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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Monday 11 September 2017

House of Commons

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The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

EDUCATION

The Secretary of State was asked—

School Funding

1. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What steps the Government are taking to increase core schools funding and introduce a fairer funding formula. [900739]

The Secretary of State for Education (Justine Greening): Core funding for schools with high needs will rise by an additional £1.3 billion across 2018-19 and 2019-20, in addition to previous spending plans. We will implement new funding formulas from April 2018, meaning that funding will finally be allocated on a fair and transparent basis. Together, these reforms will give schools a firm foundation that will enable them to continue to raise standards, promote social mobility, and give every child the best possible education.

Daniel Kawczynski: My right hon. Friend recently met Shropshire teachers to learn of some of the financial constraints they are under. The new funding formula will go some way to addressing the huge disparity in funding that Shropshire schools get in comparison with inner-city areas, but can she give me an assurance that no school in Shropshire will see its budget cut as a result of this new funding formula?

Justine Greening: I can. The £1.3 billion we are investing in schools will ensure that the formula provides a cash increase of at least 1% per pupil by 2019-20 for every single school, including in my hon. Friend's constituency, with gains of up to 3% per pupil per year for the most underfunded schools that need to catch up. For the time being, local authorities will still be responsible for finalising the distribution of funding to individual schools in their area, in consultation with those schools, but the money will be provided for all schools to gain from the new national funding formula.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): In Liverpool and other cities, there is a real concern that the new formula could mean that schools lose out. Can the Secretary of State reassure the House that issues such as deprivation, prior attainment and mobility will be significant factors in any new formula?

Justine Greening: I recognise the points that the hon. Gentleman makes. I was committed to making sure that we protected the funding for children with additional

needs under this formula, and that is what I hope we will be able to do. It is, indeed, particularly important for communities such as his own.

Antoinette Sandbach (Eddisbury) (Con): I very much welcomed the Secretary of State's announcement before the recess of the £4,800 floor for secondary pupils. When might we expect the announcement in respect of primary school funding?

Justine Greening: The final part of the process is to set out the Government's response to the second stage of the consultation. We will do that very shortly. It will include a number of further final steps in relation to the formula, including for primary schools. I will set that out at the time.

Several hon. Members *rose—*

Mr Speaker: The hon. Member for Oxford West and Abingdon (Layla Moran) can come in now if she wants.

14. [900752] **Layla Moran** (Oxford West and Abingdon) (LD): Thank you, Mr Speaker. In Oxford West and Abingdon, many schools are struggling to meet the needs of pupil premium students in particular. The funding formula has historically been especially low in my constituency. What will the Secretary of State do to address this issue?

Justine Greening: We are bringing forward the funding formula because there is a long-standing inequity in our schools funding that many Governments have dodged tackling. We cannot expect all schools to achieve the same high standards when so many of them are funded on a very different basis from one another. I believe that we are doing the right thing in bringing forward this fair funding formula. I will set out the final terms of that formula shortly. I am very proud that we have finally been able to take this step. I thank the many Members of this House who have given their input and feedback to the consultation.

Steve Double (St Austell and Newquay) (Con): Schools in rural areas have been underfunded for many years under the current formula. Can the Secretary of State assure me that the matter of sparsity will be given due consideration in the revised formula and that schools in places like Cornwall will start to close the gap on the national average?

Justine Greening: Sparsity was part of the consultation on the funding formula. It is important that we make sure that rural schools, which often face unique challenges, are protected through the formula, and that is what I am seeking to do.

Mike Kane (Wythenshawe and Sale East) (Lab): The Secretary of State should be coming to the Dispatch Box first and foremost today to apologise for the collapse of the multi-academy trust in the city of Wakefield. Part of the problem is that schools are waking up to the fact that they have lost £2.8 billion since 2015. Despite another funding consultation, will she confirm or deny the figures from the National Audit Office and, while she is on her feet, apologise to the people of Wakefield?

Justine Greening: Schools will do better out of the funding formula than they would have done had the Labour party won the last election. The Labour party only guaranteed a cash freeze, but we are going beyond that. Schools will do better under this Government than they would have done under a disastrous Corbyn Government. We are proud of the raising of standards in schools during our term in office. Nine out of 10 schools are good or outstanding, and that is something that we should be talking up, not talking down.

Education and Training: Access

2. **Stephen Lloyd** (Eastbourne) (LD): What steps her Department is taking to help older adults from low-income backgrounds to access further education and training. [900740]

The Minister of State, Department for Education (Anne Milton): People of all ages, backgrounds and incomes must have the opportunity to get the skills that they need. Last year, more than 655,000 people aged 45-plus participated in further education. To help older adults from low-income backgrounds, we provide full funding for English and maths, and courses for unemployed people, support through community learning and advanced learner loans for those with specific financial hardship. Loans to help remove cost barriers associated with upskilling are important, because they enable those on lower incomes to acquire the skills that they need.

Stephen Lloyd: Since 2015, the number of part-time students aged over 30 has dropped—by 10% in the first year alone. Funding for the adult education sector will remain frozen for five years after 2020. That real-terms cut has led to a drop-off of almost 16,000 in the number of people aged 30 and over being able to afford access to further education. Will the Secretary of State confirm what actions her Department is taking to halt this nosedive in the number of older part-time students seeking to improve their education opportunities, or have she and the Government already written those people off?

Mr Speaker: I am grateful to the hon. Gentleman for his doctoral thesis on the subject, but subsequent questions should, frankly, be shorter. The hon. Gentleman is an experienced hand, and he ought to know better.

Anne Milton: There is absolutely no question of this Government writing anybody off. In fact, social mobility is at the heart of everything that is driving our policy. I would point out other areas where the Government are putting in substantial amounts of money. The Government are spending up to £5 million on the returner programmes to enable people to retrain and upskill, particularly in social work and our allied health professions. This is important for people who have taken a career break because of caring responsibilities. We set an ambition in our document “Building on the Industrial Strategy” to make sure that we have a proactive approach for people to learn throughout their lives.

Theresa Villiers (Chipping Barnet) (Con): Will the Minister ensure that the Government’s apprenticeships programme has a very strong emphasis on supporting older people from lower-income backgrounds, particularly older women?

Anne Milton: I can certainly give my right hon. Friend that assurance. There were more than 3,000 apprenticeship starts in the over-60 age group. As somebody who belongs to that age group, I welcome opportunities to make sure that apprenticeships are available for absolutely everybody, whatever their background and whatever their age.

25. [900763] **Wes Streeting** (Ilford North) (Lab): Last month, following the unprecedented and, thankfully, unsuccessful legal action to prevent publication, Ofsted was able to publish its damning report on learndirect. Given that other FE providers in a similar situation might have had their contracts terminated, is the Minister really comfortable with handing over £45 million of public money to a training provider that has been deemed inadequate in outcomes for learners? What message is she going to send to learners, and when is she going to get her eye on the ball?

Anne Milton: I take exception to the hon. Gentleman’s suggestion that I do not have my eye on the ball; I most certainly do. In addressing this issue, we have been focused on precisely what he mentions: the needs of learners. It is essential that learning provision and apprenticeship training are of the highest quality for both learners and employers. If any provision is judged to be inadequate, we will take action to protect learners. In this case, the provision judged to be inadequate by Ofsted—apprenticeships—is no longer offered by learndirect.

Rebecca Pow (Taunton Deane) (Con): As the Minister is aware—I thank her for her swift involvement—Somerset Skills and Learning is experiencing a severe shortfall in funding. It provides invaluable services for adult learning, especially for people with low incomes, as well as providing grants for a range of other organisations, such as Compass Disability and Neroche Woodlanders—the latter is running a mental health project—in my constituency. Could I have the Minister’s assurance that the situation will, in some way, be ameliorated so that the courses can continue?

Anne Milton: I praise my hon. Friend and her colleagues from Somerset for promptly bringing this to my attention. We met last week, and we have a meeting with the Education and Skills Funding Agency later today. I should mention, although it is not pertinent to this particular issue in Somerset, that procurement in transitional arrangements represents only 13% of the budget. My hon. Friend and other colleagues have made strong representations about the work that is done in Somerset.

University Technical Colleges

3. **Richard Graham** (Gloucester) (Con): What steps have been taken to increase the number of university technical colleges. [900741]

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): There are currently 49 university technical colleges open or opening this month, and one is planning to open in 2018. We will publish information on new application arrangements in the coming weeks.

Richard Graham: The Minister and the Secretary of State are both aware of our great ambition in Gloucester to create a new UTC for pathways into health and care—the two biggest sectors of employment in Gloucestershire—but since the cancellation of the last bidding round, the question is how and when we can take this forward. The Minister has suggested it will be soon, but can he give us any further idea?

Joseph Johnson: We are committed to ensuring that many more young people have access to high-quality technical education, and UTCs have an important role to play in this. However, the experience of the UTC programme has been mixed to date. Our priority is to support existing UTCs, so that they are able to offer good education. We are learning lessons from those that are open at the moment, and we will publish application arrangements for new UTCs in the coming weeks.

Diana Johnson (Kingston upon Hull North) (Lab): Will the Minister join me in congratulating Alan Johnson, the former MP for Kingston upon Hull West and Hessle, who fought for many years to get the Ron Dearing UTC opened in Hull? It has actually opened its doors this morning for the very first time, and one of its priorities is to encourage more young women to study engineering and technical subjects.

Joseph Johnson: I certainly add the Department's and my congratulations to the hon. Lady's. That is an important achievement, and we are strongly committed to the UTCs, which will help the Government in our ambition of creating parity of esteem between technical education and more academic routes.

Free Childcare

4. **Heidi Alexander** (Lewisham East) (Lab): What assessment she has made of the effectiveness of the roll-out of the Government's policy on 30 hours of free childcare. [900742]

The Minister of State, Department for Education (Mr Robert Goodwill): Our assessment has seen great success in the 12 early delivery areas: more than 15,000 children were able to benefit from the 30 hours entitlement ahead of the offer rolling out in full, taking huge pressures off families' lives and budgets.

Heidi Alexander: Last week, 29% of families with eligibility codes for this term had not yet secured a funded childcare place. Will the Minister update the House on what progress has been made, and will he say whether there are specific parts of the country where securing a place is proving particularly problematic?

Mr Goodwill: I was very pleased that by the third day of term last week—Wednesday, when we had the urgent question—71% of parents had found a place for their child. We are looking at the picture up and down the country, and where there are situations of insufficiency, we have made available £100 million of capital funding, which will fund an additional 16,000 places where we need them.

Mike Wood (Dudley South) (Con): Parents in Dudley South will welcome the offer of 30 hours of free childcare. With the scheme being rolled out across the country, will the Minister confirm how many applications for places have now been made?

Mr Goodwill: Certainly, 216,384 parents have secured a code. Of those, as I have said, 71% have already found a place, and no doubt more are finding additional places this week.

16. [900754] **Daniel Zeichner** (Cambridge) (Lab): Back in 2015, David Cameron promised that the 30 hours would, in his words, be “completely free”. Every nursery I speak to in Cambridge tells me that it is having to cross-subsidise and often charge for extras, including lunch. Will the Minister tell us in what sense that is completely free?

Mr Goodwill: May I make it clear yet again that the 30 hours entitlement is free? Additional hours, lunch and other add-ons can be charged for, but they must not be a prerequisite for taking up the 30 hours.

Mr Philip Hollobone (Kettering) (Con): When it is fully up and running, how many working families will be able to take advantage of the 30 hours of free childcare, and on average, how much will it be worth per year per child to each of those families?

Mr Goodwill: We saw some—I think, deliberately—inaccurate reporting this week in the *Sunday Mirror*, which forgot completely that we are going to have three intakes in the year. As I have said, we have had more than 200,000 this time, and we will have a new intake in January and another one after Easter. This offer is worth £5,000 per child, a great fillip for families who want to get more hours at work.

Tracy Brabin (Batley and Spen) (Lab/Co-op): In their manifesto, the Government said that they would deliver high-quality childcare for working families, supported by thousands of new nursery places every year. However, as they roll out their policy of 30 hours of free childcare, Ministers have admitted that 110,000 children of working parents will not be eligible for the extended childcare entitlement simply because their parents do not earn enough, shutting out families who most need the additional support. That strikes me not as high-quality childcare but as another broken manifesto commitment, akin to the Government's betrayal on working tax credits in 2015. Does the Minister have any plans to deliver for the lowest-earning and hardest-pressed parents?

Mr Goodwill: The hon. Lady will be pleased to know that during the roll-out in the pilot areas 23% of mothers and 9% of fathers could take additional hours. More importantly, people who could not get work at all because of the cost of childcare can now be in work, earn money and supply a better lifestyle for their families.

Overseas Students

5. **Mr Virendra Sharma** (Ealing, Southall) (Lab): What discussions she has had with the Home Secretary on the financial contribution of overseas students to English universities and the classification of such students in Government immigration statistics. [900743]

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): We regularly engage with the Home Office on international students, who make a great contribution to our higher education system, providing 13% of its income in 2015-16.

Mr Virendra Sharma: In light of recent exit check data, which show that the number of students who have overstayed is very low, will the Government introduce measures to grow the number of international students coming to UK universities?

Joseph Johnson: We recognise the value of international students in our system, which is why we have recently asked the Migration Advisory Committee to review in full the contribution that they make to our university system. I remind the hon. Gentleman that there are no limits to the number of international students who can come at present. We are second in the world in our market share of international students, and we want that to continue.

Andrew Bridgen (North West Leicestershire) (Con): As my hon. Friend has said, international students provide a wealth of benefits to our universities. What steps are the Government taking to ensure that the UK higher education sector remains a welcoming place for students from foreign countries?

Joseph Johnson: It is a welcoming place, as attested to by the fact that this year, for the sixth year in a row, we have 170,000 international students coming into our system, which is a record number. We want that to continue. The work of the British Council contributes to that, as does the work of the GREAT campaign. I will be in India in November drumming up business for our universities, and I expect that other Ministers will do so too.

Sir Vince Cable (Twickenham) (LD): What action is the Minister taking in respect of overseas students on vocational courses who need to do work experience, which is regarded as illegal working by the Home Office, leading to unnecessary and heartbreaking deportations?

Joseph Johnson: The right hon. Gentleman raises an important question. We must ensure that our offer for international students is competitive in all respects and that they feel they will get the kind of provision that suits their needs and opportunities to learn in a workplace environment. We will study his comments with interest.

Carol Monaghan (Glasgow North West) (SNP): The Minister is quite right that we are doing well with international students, particularly from China and India, but universities across the UK are losing out in the recruitment of students from Australia, New Zealand, Canada and the US, because the UK has one of the least competitive policies on post-study work in the English-speaking world. Will he commit to work with the Home Secretary to reinstate the post-study work visa?

Joseph Johnson: The hon. Lady will be encouraged, I hope, by the pilots that the Home Office has recently undertaken with a number of institutions—four, I believe—to enable a more liberal post-study work regime. The Home Office and the Department for Education are examining that pilot carefully, and it is our ambition that when circumstances allow, it can be extended more broadly across the sector.

Carol Monaghan: The pilot provides only a narrow range of courses that are eligible for participation in the scheme, so it needs to be widened. The Scottish National party has consistently called on the UK Government to remove international students from the net migration figures. Now that the Government figures on net migration among those students have been utterly discredited, will the Minister join us in calling for those students to be removed permanently from net migration figures?

Joseph Johnson: As I said a minute ago, that would not limit numbers. The fact that they are in the migration cap does not limit the ability of institutions to recruit as many international students as they wish, provided that they meet the requisite academic standards. There is no cap and no plan to introduce a cap, and that applies to Scottish institutions as much as it does to English ones.

Angela Rayner (Ashton-under-Lyne) (Lab): It is a sad fact that it actually does have an impact on the number of international students coming to the UK. For years, the Prime Minister told us that we need to clamp down on international students who overstay their visas, using figures to suggest that as many as 100,000 people are remaining in the UK illegally. In fact, we know the figure is now 4,600 students—the Government were out by 95%. Does the Minister fully support the Prime Minister's desire to keep international students in the net migration target?

Joseph Johnson: We welcome strongly the work the Office for National Statistics is now doing to improve the quality of statistics relating to international students. Like the hon. Member, we noted its preliminary conclusion that the International Passenger Survey might be systematically undercounting emigration after study. I was very pleased that the Home Office report on exit checks data, published on 24 August, showed that students are very largely compliant with immigration rules. That is an important bit of information and it underscores our intent to continue the situation whereby there is no cap on the number of students who can come and study in this country.

Social Mobility: Disadvantaged Areas

6. **Adam Afriyie** (Windsor) (Con): What steps the Government are taking to improve social mobility in disadvantaged areas. [900744]

The Secretary of State for Education (Justine Greening): We are committed to supporting social mobility across the country, including in those areas that face the greatest challenges and have the fewest opportunities. At the vanguard of this approach, we are investing £72 million in 12 opportunity areas based in social mobility cold spots. We are working in these areas with local partners to improve educational attainment, to build opportunity and to broaden horizons for children and young people across early years, schools, and further and higher education.

Adam Afriyie: One of the best gifts we can give young people is a job with prospects for a decent career. It helps with mental health challenges and gives them a sense of belonging to society. When we look at this part of our history, I think we will discover that one of the greatest achievements has been the reduction

in unemployment among young people. Does the Secretary of State agree we must continue to do all we can to help people to transition, at the appropriate point, from full-time education to work?

Justine Greening: Absolutely. My hon. Friend's question sets out how important it is to have a strong economy producing jobs and opportunity for young people. We are working with the Careers & Enterprise Company to build a national network, which will connect schools and colleges with employers. Over half of schools and colleges in England are already supported by an enterprise adviser, who helps them to build strong careers and strong enterprise plans for their young people. In opportunity areas, dozens of key employers, including Rolls-Royce, NatWest and KPMG, have committed to providing tailored careers support to young people.

Mary Creagh (Wakefield) (Lab): Pupils at the 21 schools managed by Wakefield City Academies Trust are among the most disadvantaged in the country. The collapse of the trust on Friday came as a bolt from the blue to them, their parents and their teachers. A leaked report in November found: that the trust was predicted to be £16 million in deficit; that hundreds of thousands of pounds had been spent on an interim educational consultant; and that Wakefield City high school did not even know which pupils were in receipt of pupil premium. What steps is the Secretary of State taking to make sure disadvantaged children do not miss out as a result of financial mismanagement and her Department's incompetence?

Justine Greening: I was agreeing with all the points the hon. Lady was making on how important it is to tackle low education standards in those schools and to make sure we take swift action to have the schools rebrokered so that standards can go up, but I fundamentally disagree with her that standards are falling. Standards are going up. In fact, the place in our United Kingdom where standards are the worst and falling is Wales, where Labour is in control. I really think that before pointing the finger at England the Labour party should be apologising to Welsh children, who are missing out because of a flawed and failing education policy.

Several hon. Members *rose—*

Mr Speaker: Order. The erudition of contributions is equalled at the moment only by their length, but we can hope for an improvement ere long because we have the Chair of the Select Committee, Mr Robert Halfon.

Robert Halfon (Harlow) (Con): In terms of social mobility, students in alternative schools are significantly disadvantaged, as a minuscule proportion get good GCSEs. What more can the Government do to give students in alternative provision the chance to climb the educational ladder of opportunity?

Justine Greening: My hon. Friend is absolutely right to highlight this area. We have sought to raise standards more broadly across schools in England, and it is now important that we take those learnings—on what works and best practice—and see them spread around the alternative provision approach and system. I am determined to make sure that no child misses out on an excellent education because of the school they happen to be in, whether in Wakefield or any other part of our country.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The answer from the Secretary of State on Wakefield City Academies Trust was just not good enough, and not fair on parents, pupils—most importantly—and teachers at Freeston Academy in my constituency and many other academies. They had this announcement in the first week of the new school year—out of the blue—yet it turns out that there have been huge problems with the trust for a long time, on governance, finance, accountability and performance. Her Department has been pushing all of these schools into this model. Is it not time she had a full review of the complete failure of local accountability in these multi-academy trusts, and made sure there is enough finance and support in place for the pupils in my constituency so that they do not lose out as a result of this failed management?

Justine Greening: We are taking swift action in Wakefield to make sure that we rebroker those schools, but, more broadly, I have to say I wish the Labour party had been as passionate about raising standards when it was in government. What children across our country actually got under Labour was falling standards and grade inflation, and what employers got was young people coming into work without the basic skills. Do you know where we still see that, Mr Speaker? It is in Wales. We will continue to raise standards in England, but perhaps Labour would be better placed to look to the area where it is in control.

22. [900760] **Tom Pursglove (Corby) (Con):** Does my right hon. Friend agree that it is essential that our young people have different routes open to them through which to succeed? In that spirit, what vision does she have for the future of technical education in this country?

Justine Greening: We have been passionate about making sure that children who post-16 and post-18 want to pursue a route that is not purely academic have every bit as good standard an education as their peers who want to follow more academic routes. That is why we are introducing T-levels. They were announced earlier this year in the Budget, which the CBI called a “breakthrough” Budget for skills. It will not just be good for raising attainment among and developing the potential of those young people; it is critical for our businesses that they have these skills. This is a win-win situation.

Free Childcare

7. **Sandy Martin (Ipswich) (Lab):** What assessment she has made of the effect of the Government's policy on 30 hours of free childcare on the financial viability of childcare settings. [900745]

20. **Dan Carden (Liverpool, Walton) (Lab):** What assessment she has made of the effect of the Government's policy on 30 hours of free childcare on the financial viability of childcare settings. [900758]

The Minister of State, Department for Education (Mr Robert Goodwill): The provision of 30 hours of free childcare is already working across the country. A recently published independent evaluation of the early roll-out programme shows that more than 80% of providers are willing and able to offer the extended hours.

The Department will be investing an additional £1 billion per year by 2019-20 into the free entitlement, including more than £300 million per year to increase the national average funding rates paid to local authorities.

Sandy Martin: Given that 38% of nurseries have told the Pre-School Learning Alliance that they are unlikely to be financially viable in a year's time, what urgent action is the Minister taking to help these providers?

Mr Goodwill: As I have pointed out, we carried out a pilot to show that this could work. We also got a review of childcare costs done that was described as "thorough" and "wide-ranging" by the National Audit Office. We have increased the minimum funding rate to £4.30 per hour, which means that £4.41 is paid for three and four-year-olds in Ipswich and £5.20 for two-year-olds.

Dan Carden: In Liverpool, Walton, 36% of children are growing up in poverty, and unemployment is twice the national average. Did Ministers give any thought to how this policy would only further entrench the development gap between those most disadvantaged children still just getting the 15 hours a week and those with parents in secure employment getting the 30 hours a week?

Mr Goodwill: The most-disadvantaged children get 15 hours at age two, and we have the early-years pupil premium to help with those children as well. We are closing the attainment gap. The hon. Gentleman talks about worklessness. This funding for working parents means more people getting into work and taking the jobs that this successful economy is creating.

Reception: Starting Age

8. **Stephen Hammond** (Wimbledon) (Con): What progress her Department has made on giving summer-born and premature children the right to start reception at the age of five. [900746]

The Minister for School Standards (Nick Gibb): We remain concerned that some summer-born children, particularly those born prematurely, are missing the reception year when the essential teaching of early reading and arithmetic takes place. However, it is important for us not to cause any unintended consequences elsewhere in the system, and we are therefore giving careful consideration to how we might make any changes. Further information will be available in due course.

Stephen Hammond: As my right hon. Friend will recognise, it is two years since we had an Adjournment debate on this subject, and there is increasing frustration about the fact that the code of conduct has not yet been published. Will he agree to provide a timetable showing when he might publish it, and will he also agree to meet me to discuss the unintended consequences?

Nick Gibb: My hon. Friend has been a champion of summer-born and prematurely born children, and I pay tribute to him for that. He and I share the view that when the parents of such children exercise their right to delay their entry to school until they turn five, the children should be able to start school in reception if that is in their best interests. However, the issue is

complex, and it is important for us to consider carefully the impact of changes on the earliest sector in particular. I should be delighted to continue our conversation and discussion about these matters.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Surely the Minister realises that, while it is true that the summer-born question is difficult and complex, it must be linked with a terrible stain on our education policy: the fact that little children who have been identified as bright up to the age of 11 are lost to the education system post-11. What is going on with the failed policies of a Government who cannot help kids who are bright at 11 and who disappear afterwards?

Mr Speaker: I thought that the hon. Gentleman had been born in August. He has done all right.

Nick Gibb: I wrote an open letter to all local authorities about the issue, urging them to take the wishes of parents very seriously, to act in the best interests of children when considering which age group they should start with, and to enable them to start school outside their own age group if their parents have elected not to allow them to start in the year in which they turn five. I believe that local and admission authorities are taking notice of that letter.

Lucy Powell (Manchester Central) (Lab/Co-op): As my summer-born son starts his first day in reception today, I am all too well aware that the big gaps in attainment among his classmates are related not to the time of year when they were born, but to whether they come from advantaged or disadvantaged backgrounds. That is still the biggest problem facing our education system. Does the Minister agree that it needs to be tackled? If so, how does he square that with findings that I published last week with the Social Market Foundation, showing that 75% of the extra money that the Government are pumping into the early years will go to better-off families and less than 3% will go to those who are disadvantaged?

Nick Gibb: We take the issue of social mobility very seriously. The attainment gap between advantaged and disadvantaged children has narrowed by 7% in key stage 4 and by 9.3% in key stage 2, in primary schools. However, we continue to work hard to ensure, and believe passionately in ensuring, that all children, regardless of background and regardless of where they live, are able to fulfil their potential in our education system, which is why the pupil premium provides an extra £2.5 billion a year for children with disadvantaged backgrounds.

Child Nutrition

9. **Mr Gavin Shaker** (Luton South) (Lab/Co-op): What assessment she has made of the effect on children's nutrition of the absence of free primary school meals in the school holidays. [900747]

The Secretary of State for Education (Justine Greening): The Government actively support the provision of nutritious food in schools. Free school meals are provided for the most disadvantaged pupils, and for every pupil in reception years 1 and 2. We have also committed £26 million to

expand breakfast clubs in up to 1,600 schools. More broadly, we believe that helping households to raise their incomes by allowing them to be in work is the best way to lift families out of poverty and help children to lead healthy lives.

Mr Shuker: May I commend to the Secretary of State the private Member's Bill tabled by my right hon. Friend the Member for Birkenhead (Frank Field), which will tackle the problem properly by ensuring that children who receive free school meals in term time also receive nutritious meals outside term time? If she feels that she cannot offer Government support for the Bill, may I also commend to her a charity in my constituency, Make Lunch, which is now providing meals in 50 locations—entrepreneurially, off its own bat—to tackle the problem, and will she arrange a short meeting with a Minister to discuss it?

Justine Greening: As the hon. Gentleman sets out, there is a lot of good work happening in this area, and from my perspective, aside from what happens in schools during term-time, there are two key elements: having a strong economy that is providing people with jobs and employment, and, secondly, making sure people get to keep as much of their pay packet as possible, which is why we have not only introduced the national living wage but have increased the personal allowance. If we take those two things together, we see that somebody working 35 hours on the national minimum wage, now the national living wage, will have gained by £3,300 more through those two policies.

Frank Field (Birkenhead) (Lab): Will the Secretary of State take her lead from the Prime Minister, and welcome the Bill to abolish school hunger for millions of children, and might she follow the Prime Minister's lead in bringing together the relevant Ministers, and then give us the parliamentary time so that Back Benchers on both sides of the House can finish the job for her?

Justine Greening: The point I am trying to make is that the best way to tackle these issues is through families themselves being empowered and able to take the decisions and steps they want. What I am saying is we are doing that as a Government through having a strong economy, but also by making sure people can keep more of what they earn in the first place.

University Education: Access

10. **Alex Burghart (Brentwood and Ongar) (Con):** What steps the Government are taking to make university education more accessible to young people from poorer backgrounds. [900748]

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): Our student finance system is enabling record numbers of disadvantaged young people to benefit from higher education. This year, 18-year-olds from the most disadvantaged areas in England were 43% more likely to go into higher education than in 2009-10, and, in addition, through the latest round of access agreements for 2018-19, universities have committed no less than £860 million to continue improving access and success for those from disadvantaged backgrounds.

Alex Burghart: I warmly welcome the fact that there are more poorer children going to university than ever before. Will the Minister join me in welcoming the initiative taken by University College, Oxford—now officially the greatest university in the world—which has reserved places every year for pupils from disadvantaged backgrounds, to ensure that more of them have access to world-class education?

Joseph Johnson: I certainly welcome that initiative by University College, Oxford, and I am pleased to say that it is not just that disadvantaged students are accessing higher education in general; they are 53% more likely now to be going to our super-selective institutions than in 2009-10, which is an extraordinary turnaround.

John Woodcock (Barrow and Furness) (Lab/Co-op): Disadvantaged children cannot get to university if they do not get the grades in the first place, so will the Minister ask the schools Minister to meet us in the Furness area who are looking at a major new initiative to get the private-sector local employees involved in closing the generations-long gap in GCSE numeracy and literacy attainment?

The Minister for School Standards (Nick Gibb) indicated assent.

Joseph Johnson: I believe my right hon. Friend the schools Minister is confirming that he would be keen to take such a meeting.

Unaccompanied Asylum-seeking and Refugee Children

11. **Heidi Allen (South Cambridgeshire) (Con):** When she plans to publish the Government's strategy on the safeguarding of unaccompanied asylum-seeking and refugee children. [900749]

23. **Tulip Siddiq (Hampstead and Kilburn) (Lab):** When she plans to publish the Government's strategy on the safeguarding of unaccompanied asylum-seeking and refugee children. [900761]

The Minister of State, Department for Education (Mr Robert Goodwill): The safeguarding strategy, bringing together all work in this area and setting out further detail, will be published later this autumn.

Heidi Allen: This strategy was due on 1 May, so I am keen that we see it as soon as possible. I would like to understand the reasons for the delay and to know whether the Minister has looked at whether independent guardians might work. I was struck when I visited Lesbos and Calais that there is no admin support or signposting at all for unaccompanied children seeking to make asylum claims, so having somebody with them would definitely help.

Mr Goodwill: We had a general election this year, which derailed some of the timetables for these things, but it is certainly absolutely vital that all unaccompanied children seeking asylum have access to independent legal advice and are referred to the Children's Panel.

Tulip Siddiq: Statistics from the organisation Every Child Protected Against Trafficking show that just in 2015, 593 unaccompanied asylum-seeking children went

missing from care. Charities such as the Refugee Council and the Children's Society have recommended that independent guardians be appointed for such children, to protect them in future. Will the Minister consider this in the safeguarding strategy?

Mr Goodwill: I was the immigration Minister until just recently and worked in this area. We were well aware of the fact that some of the relatives who took children in under the Dublin regulation had not had much contact with the families beforehand and that that might not have worked out very well, but I am certainly happy to look at what the hon. Lady is saying, particularly in the light of her experience with Amnesty and Save the Children.

PE and Sport Premium

12. **Justin Tomlinson** (North Swindon) (Con): What steps her Department is taking to measure the effect of the PE and sport premium on childhood inactivity over the 2017-18 academic year. [900750]

The Minister of State, Department for Education (Mr Robert Goodwill): The Government want all pupils to be healthy and active, which is why since 2013 we have provided £600 million to primary schools through the primary PE and sport premium, and why we are doubling the funding to £320 million a year from this September. An evaluation in 2015 found that the premium was making a big difference and we are considering how to assess the impact of the newly doubled funding in future years.

Justin Tomlinson: Yes, it is making a big difference during school term time, but UKActive's research shows that children lose a significant level of fitness in the school holidays. Using funds from the premium and the sugar tax, what can be done to open up school sports facilities for local clubs and community groups to provide sporting opportunities outside the traditional school day?

Mr Goodwill: Certainly, it is important to look at every opportunity. I pay tribute to the teachers who work with children outside school hours and to the clubs and other organisations that provide fantastic sporting opportunities for our children.

Mrs Emma Lewell-Buck (South Shields) (Lab): The Government's plans to address childhood inactivity should include healthy pupils capital funding. In February, the Secretary of State was clear that the amount schools would receive would not fall below £415 million, but just last week the Minister admitted that more than £300 million has been cut from that very programme, in a desperate attempt to prop up a falling schools budget—another broken promise to pupils across the country. How many projects will not go ahead because of those cuts, and how many children will lose out?

Mr Goodwill: The hon. Lady needs to check her facts, as much of what she said is not borne out in fact. Under the new funding formula, a school will receive £1,000 per pupil for the first 16 and then £10 after that, which means that a school with 250 eligible pupils will receive £18,340.

Teacher Shortages

13. **Jeff Smith** (Manchester, Withington) (Lab): What recent estimate she has made of the level of teacher shortages. [900751]

The Minister for School Standards (Nick Gibb): There are more teachers in England's schools than ever before. The vacancy rate remains low at 0.3% of all teachers and secondary post-graduate recruitment is at its highest level since 2011. However, we recognise that some schools face challenges, which is why we continue to invest in teacher recruitment—more than £1.3 billion up to 2020. In addition, our work in the 12 opportunity areas will ensure teacher recruitment and retention challenges are addressed.

Jeff Smith: That is a very complacent answer. The Secretary of State's predecessor, the right hon. Member for Loughborough (Nicky Morgan), said that the public sector pay cap is having a clear impact on recruitment and retention. Does the Minister agree with his right hon. Friend that the policy makes it harder to recruit the teachers we need?

Nick Gibb: We rely on the expertise of the School Teachers Review Body. It reported in July and we responded to that review. It has recommended increasing the pay bands in the main pay range by 2%, and by 1% for the remaining pay bands. Pay is of course important, but it is not the only factor that drives teachers in or out of the profession. Others include workload and pupil behaviour, and we also take those issues seriously.

Sir Desmond Swayne (New Forest West) (Con): Can more creative use be made of the price mechanism in those subjects with shortages?

Nick Gibb: We have generous tax-free bursaries, which we use imaginatively, and we reflect the challenges of recruiting the best graduates into teaching. Bursaries of up to £25,000 are available for graduates in those priority subjects.

Mr Speaker: I have previously exhorted the right hon. Member for New Forest West (Sir Desmond Swayne) to circulate his textbook on succinct questions. It is now timely that he should do so.

Angela Rayner (Ashton-under-Lyne) (Lab): My hon. Friend the Member for Manchester, Withington (Jeff Smith) made a very good point, and the School Teachers Review Body, the Education Select Committee and the Secretary of State's predecessor have all said that pay has contributed to the crisis in teacher recruitment, but—notably—not the Prime Minister. Last week, our research showed that the Government's freeze and cap on public sector pay has left the average teacher more than £5,000 a year worse off. Will the Secretary of State get the cap lifted for schools or is she telling us that nothing has changed?

Nick Gibb: We rely on the expertise of the School Teachers Review Body and the extensive and thorough review carried out by it. It has made recommendations, which we have accepted, that the main pay bands should

increase by 2%—the minimum and maximum—and that the bands for more senior teachers should increase by 1%.

There are 15,500 more teachers today than when Labour left office in 2010. We are meeting 93% of the target of recruiting graduates into teacher training. More returners are coming back into teaching in 2016 than in 2011, and more people came into teaching than left last year.

Teaching Assistants: Recruitment and Retention

15. **Clive Efford** (Eltham) (Lab): What plans she has to help recruit and retain teaching assistants in schools; and if she will make a statement. [900753]

The Minister for School Standards (Nick Gibb): Responsibility for the recruitment and retention of teaching assistants rests at the local level with headteachers and school employers, who are best placed to use their professional judgment to recruit and retain teaching assistants to best meet the needs of their schools and pupils.

Clive Efford: That answer is simply not good enough. Low pay is a barrier to the recruitment and retention of teaching assistants. Figures from the GMB's pay pinch report, taking the consumer prices index into consideration, show that a higher level teaching assistant has lost £9,200 over the past seven years and that that will rise to over £12,000 by 2020 unless something is done about the public sector pay cap. Is it not time that we stopped hearing weasel words from the Government about how much they value those staff and that they started to pay them the rate for the job?

Nick Gibb: We do value teachers and teaching assistants. They do a good job of phenomenally challenging work in our schools, which is why we have 1.5 million more pupils in good or outstanding schools today than we did in 2010. The hon. Gentleman is wrong about the number of teaching assistants, which has been increasing year on year. Today, there are 265,600 full-time equivalent teaching assistants in state-funded schools.

Topical Questions

T1. [900774] **Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): If she will make a statement on her departmental responsibilities.

The Secretary of State for Education (Justine Greening): Nine out of 10 schools in England are rated good or outstanding by Ofsted, which is testament to our relentless pursuit of high standards through education reforms. This summer, our students took their first three reformed GCSE subjects and received their results, and there were also successes in improved A-levels, too, with a record number of young people from disadvantaged backgrounds securing a place at university. We are extending high standards into further and technical education by introducing T-levels to deliver choice and build a world-class skills system. Of course, 30 hours of free childcare for working parents of three and four-year-olds is now live nationally in England for the first time, saving families up to £5,000 a year per child. All those

reforms have a common theme of social mobility, and I am proud that this Government are tackling disadvantage through the education system.

Jamie Stone: I had the great pleasure of attending the apprentice graduation ceremony in Dounreay in my constituency, and it is great to see young people being equipped with skills for their careers. What can we do to make it easier for small companies in my constituency to engage with and take up the apprenticeship scheme?

Justine Greening: One of the things that we have pushed in England through the apprenticeship levy is to ensure that large firms will be able to pass some of that levy down to smaller firms for them to use. It is critical that we reach our target of getting 3 million apprentices by 2020. This is about having a strong economy, producing strong opportunities and ensuring that SMEs can help to connect young people with apprenticeships.

T2. [900775] **Wendy Morton** (Aldridge-Brownhills) (Con): As the Secretary of State is aware, apprentices and technical education are an important part of our educational offering, and I am fortunate in my constituency to have an excellent-rated apprenticeship provider called In-Comm. What more are the Government doing to increase the number of high-quality apprenticeships for young people?

The Minister of State, Department for Education (Anne Milton): As my right hon. Friend the Secretary of State said, we have introduced the levy, which is an important part of encouraging sustained employer investment in high-quality apprenticeships. The Institute for Apprenticeships, which was set up in April, has developed standards to replace frameworks, ensuring consistency of achievement, and we have enshrined the term "apprenticeship" in legislation, which is important for raising their prestige. My hon. Friend is absolutely right to praise the work done in her constituency; I recently visited an employer that has 54 apprentices on the go at any one time.

Several hon. Members rose—

Mr Speaker: Order. The emphasis in topical questions is supposed to be on quick-fire questions and quick-fire responses. I am not sure that that has been altogether grasped either by those who advise Ministers and tend to write out long and tedious screeds or even by Ministers themselves, but it would help if it was.

Gordon Marsden (Blackpool South) (Lab): Last week's stunning National Audit Office report said that the Department for Education could not show that £200 million from LIBOR funds pledged by the Government for 50,000 apprenticeships for unemployed 22 to 24-year-olds had actually been used for that purpose. Eighteen months ago, when I tabled four parliamentary questions on the issue, Ministers ducked and dodged answering. Was the £200 million shoved down a Treasury sofa, or was it just pocketed by DFE? What is the Secretary of State going to do now that the NAO has found the Government out?

Anne Milton: Nobody, neither the Treasury nor the Department for Education, is shoving money down the sofa—£200 million was given to the Department as part of the apprenticeship budget, and that was allocated in

the 2015 spending review. *[Interruption.]* If the hon. Gentleman cared to listen, he might find out the answer. I am satisfied that the money is being spent on those who need it.

T3. [900776] **Stephen Hammond** (Wimbledon) (Con): I recently visited two excellent primary schools in my constituency, West Wimbledon and Joseph Hood, both of which want to know when the Secretary of State will publish the full details of the national funding formula and whether she will confirm that no school will see a reduction in its funding as a result.

Justine Greening: We will be publishing it very shortly. As I have said to other hon. Friends and colleagues, we will ensure that no school loses as a result of the national funding formula. In fact, schools will gain, unlike what would have happened had Labour won the election.

T4. [900777] **Sarah Champion** (Rotherham) (Lab): This House should be commended for legislating for relationship education for all primary schoolchildren, which will create a more tolerant society and benefit child protection. Will the Secretary of State outline the introduction of that relationship education and tell us the additional resources she will be giving to schools?

Justine Greening: I very much welcome the hon. Lady's support for the steps the Government are taking, and I welcome her role in supporting relationship education in her previous role on the Opposition Front Bench. We will set out the details of the engagement process that will be getting under way to make sure that we get the next proposals right. It is important that we are sensitive to this particular topic and, given her interest in this area, I hope she will continue to stay involved.

Lucy Frazer (South East Cambridgeshire) (Con): In answer to the first topical question today, the Secretary of State identified how a company can use its apprenticeship levy down the supply chain. Does she agree it is a good idea to allow companies to go even further down the supply chain to support science, technology, engineering and maths teachers? That will not only encourage links between businesses, schools and teaching but will encourage more bright graduates to go into STEM and other subjects.

Justine Greening: The relationship between employers and schools has never been more important, particularly in the STEM subjects, which are so crucial to British business. Whether we are raising standards in maths and science or whether the university technical college programme is formally connecting employers and education, the Government are looking across the board to ensure that that relationship is strong.

T5. [900778] **Kerry McCarthy** (Bristol East) (Lab): I very much welcome what the Universities Minister had to say last week about excessive pay packages for university vice-chancellors and the measures he is taking to try to get vice-chancellors to justify those packages to their university courts. Does he really think that that will make a difference given that vice-chancellors are paid so much more than the £150,000 talked about?

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): I thank the hon. Lady for her words of support for our intervention. It is important that there is transparency and accountability on how funds are used, and I am confident that the Office for Students will use its powers effectively to achieve that.

James Heapey (Wells) (Con): The Secretary of State will know that West Somerset is an opportunity area, and we have a big reskilling requirement to take full advantage of the construction of Hinkley Point C. Does she share my concern, therefore, about the reduction of funding for Somerset Skills & Learning? And will she encourage her Department to do all that is necessary to restore the funding as quickly as possible?

Anne Milton: I met my hon. Friend last week, and he raises an important point about the skills that will be needed at Hinkley Point. I look forward to having a meeting, which I think he will attend, on the future steps we can take.

T6. [900779] **Lilian Greenwood** (Nottingham South) (Lab): Nottingham faces at least a decade of growing demand for secondary school places. Although the local authority has a duty to provide places, it has no power to direct the city's 16 secondary schools, all of which will soon be academies, to expand provision or even to admit to their full capacity. Will she act now and require all publicly funded providers to engage and work with their local authority on place planning, or is she simply determined to put her ideological faith in free schools before the needs of our city's young people?

Justine Greening: It is important to see local authorities working with schools effectively and working with them to expand if they are popular. The bottom line is that through the free schools programme we have brought forward thousands of badly needed school places and extra choice for parents, and overwhelmingly these schools are doing a great job at educating our children.

Fiona Bruce (Congleton) (Con): Given that fractured family relationships can be such a driver of disadvantage for many young people, will Ministers consider how relationships education can equip young people with the skills to help them strengthen their family relationships, particularly as they mature? Will the Minister meet a group of concerned Members about this issue?

Justine Greening: We have said that we are making relationships education in primary school mandatory, because we feel that children need to go into secondary on a firm footing, understanding this area, and they can then build on that with sex education. I am happy to meet my hon. Friend and other colleagues; obviously, this is an important topic for the House.

T7. [900780] **Alex Cunningham** (Stockton North) (Lab): The Minister will know how many summer-born children needlessly end up on the special needs register because of the lack of specific targets and support to help them close the gap on their older classmates. What guidance and resources is the Minister giving to schools so that children get the help they need?

The Minister for School Standards (Nick Gibb): As I have said, we have written to local authorities to say that they should take the best interests of children into account when determining which year group summer-born children go into. It is important that children who start school immature or with other special educational needs get the support they need, and our schools are providing that support.

Henry Smith (Crawley) (Con): Broadfield House in my constituency was, sadly, the site of the first free school to be closed by the Department for Education, and the building has remained empty for far too long. Will my right hon. Friend assure me that the building will be brought back into educational or at least community use in the near future?

Nick Gibb: That is an example of our taking swift action when an academy or free school is not working—that was why it was closed swiftly. I am happy to meet my hon. Friend to discuss the future of that site.

T8. [900781] **Vicky Foxcroft (Lewisham, Deptford) (Lab):** Lewisham has the highest level of hospital admissions in London for self-harm among 10 to 14-year-olds. With an average of three children in each classroom currently suffering from a mental health condition, how long will it be before we see the publication of the promised Green Paper on children's mental health? When will we see real action backed up by proper funding?

Justine Greening: We will be publishing that paper later in the year. In the meantime, we have already committed to expanding the single point of contact plan, which is making sure schools have an identified point of contact within the NHS. We can learn and build on that excellent initiative.

Mark Pawsey (Rugby) (Con): The number of children being schooled at home has almost doubled over the past six years; we have 441 in Warwickshire, including children of my constituents. Is the Secretary of State convinced that each of these children is receiving an education suitable for their age, aptitude and ability?

Nick Gibb: Very many children who are educated at home are educated to an extremely high standard, and many parents want this freedom for their children. Local authorities have a duty to ensure that children who are not in school are receiving an adequate education.

T9. [900782] **Nic Dakin (Scunthorpe) (Lab):** It cannot be right—can it?—that sixth formers are given 21% less funding than 11 to 16-year-olds, so will the Government respond to the constructive campaign by the Association of School and College Leaders, the Association of Colleges and the Sixth Form Colleges Association by fundamentally reviewing post-16 funding?

Anne Milton: The hon. Gentleman had a Westminster Hall debate last week where we discussed this issue at length. Although he does not like me going on about this, I would direct him to what we are doing with apprenticeships and T-levels, which also has an impact and will produce funding in those colleges.

Julian Knight (Solihull) (Con): Personal finance education in schools is a key way of skilling up young people, so will the Minister meet me soon to discuss further plans to make available to schools a textbook on personal finance education through the all-party group on financial education for young people?

Nick Gibb: Financial education is important. It is in the national curriculum and in the maths curriculum, which is an essential way of children becoming financially literate. I would be delighted to meet my hon. Friend and I am particularly keen to discuss textbooks.

T10. [900783] **Mike Amesbury (Weaver Vale) (Lab):** At a time when 16-to-19 education is in dire need of additional investment, does the Minister agree that schools and colleges should at least receive all the Government funding set aside to educate sixth-form students?

Justine Greening: Record funding is going into schools and, overall, we are scaling up our technical-education funding. That is accompanied by more steps to raise standards in further education colleges.

Stephen McPartland (Stevenage) (Con): Will the Minister confirm whether the Government agree with local government-controlled multi-academy trusts?

Nick Gibb: There are limits to the influence and voting proportion that local authorities can have in multi-academy trusts. This is about a new independence for academies. I have been discussing with my hon. Friend the particular multi-academy trust about which he is concerned, and I am happy to continue to have those discussions with him and with my noble Friend Lord Nash.

Liz McInnes (Heywood and Middleton) (Lab): Flammable cladding has been found on university halls of residence and privately provided student accommodation throughout the country. With students returning to that accommodation in the coming weeks, what will the Secretary of State do to ensure their safety?

Joseph Johnson: The higher education sector has taken this issue very seriously indeed. The Department has had a positive and comprehensive response from all 238 HEFCE-funded providers and designated alternative providers. When issues have been identified, providers have been quick to respond to protect student safety. Officials will continue to work closely with those in the Department for Communities and Local Government who are reviewing private student accommodation.

Suella Fernandes (Fareham) (Con): Michaela Community School, a free school that I have the honour of chairing and having co-founded, was recently graded outstanding in its first Ofsted report. My right hon. Friend the Minister for School Standards has visited the school; will the ministerial team join me in congratulating the staff, teachers and pupils at Michaela—led by the inspirational Katharine Birbalsingh—who are transforming young people's lives?

Justine Greening: I congratulate the Michaela school, all its staff and its headteacher. They have done an outstanding job which has now been reflected in the

Ofsted report. Most important is the impact that has had on those young people's futures, which are significantly enhanced by their going to that school.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): Earlier, the Secretary of State announced more funding for schools. Will she acknowledge that schools are undergoing a £3 billion reduction in funding because of efficiency savings? That is nearly double what she is offering instead. Does she agree that she is giving with one hand while taking away more with the other? For schools such as those in Hackney to remain excellent, we need decent funding so that they do not have to lose teaching staff.

Justine Greening: I am not sure that I do agree with the hon. Lady. Following my £1.3 billion funding announcement, the Institute for Fiscal Studies said that we were going to see real-terms protected per-pupil funding across the remainder of this spending-review period.

Several hon. Members *rose*—

Mr Speaker: Order. I am sorry, but time is against us and we must move on. Approximately 90 Members wish to speak in today's debate.

European Union (Withdrawal) Bill

2ND DAY

Second Reading

Debate resumed (Order, 7 September).

Question proposed (7 September), That the Bill be now read a Second time.

Amendment proposed (7 September): to leave out from ‘That’ to the end of the Question and add

‘That this House respects the EU referendum result and recognises that the UK will leave the EU, believes that insisting on proper scrutiny of this Bill and its proposed powers is the responsibility of this sovereign Parliament, recognises the need for considered and effective legislation to preserve EU-derived rights, protections and regulations in UK law as the UK leaves the EU but declines to give a Second Reading to the European Union (Withdrawal) Bill because the Bill fails to protect and reassert the principle of Parliamentary sovereignty by handing sweeping powers to Government Ministers allowing them to bypass Parliament on key decisions, without any meaningful or guaranteed Parliamentary scrutiny, fails to include a presumption of devolution which would allow effective transfer of devolved competencies coming back from the EU to the devolved administrations and makes unnecessary and unjustified alterations to the devolution settlements, fails to provide certainty that rights and protections will be enforced as effectively in the future as they are at present, risks weakening human rights protections by failing to transpose the EU Charter of Fundamental Rights into UK law, provides no mechanism for ensuring that the UK does not lag behind the EU in workplace protections and environmental standards in the future and prevents the UK implementing strong transitional arrangements on the same basic terms we currently enjoy, including remaining within a customs union and within the Single Market.’—
(*Keir Starmer.*)

Question again proposed, That the amendment be made.

Mr Speaker: Before I call the right hon. Member for Basingstoke (Mrs Miller), who will open the debate and be subject to a six-minute limit, may I please make a plea? I ask colleagues not to come to the Chair, or cause someone to come to the Chair on their behalf, with any of the following inquiries. “Am I on your list?”—if you applied, you are. “Am I going to be called?”—you might be, or you might not. “If so, when will it be?”, “May I repair to the Tea Room for a cup of tea and a biscuit?”, or “Is it in order for me to go to the loo?”—for which I read, “Am I about to be called?”. Please, colleagues, I will do my best, but there are approximately 90 people wanting to speak. Some might be disappointed; I am afraid that is parliamentary life. I will make my best endeavours. Please exercise the patience, stoicism and fortitude for which you all are, or hope to become, universally renowned throughout your constituencies.

3.39 pm

Mrs Maria Miller (Basingstoke) (Con): This is a necessary Bill; 52% of the population voted to leave the EU, and each of us who have been voted here by our communities to represent them in this debate need to respect democracy, which is why we need to get on with the job of ensuring a smooth exit from the EU. This Bill is a necessary part of that overall process. For the Labour party to vote against the Bill at this early stage—[*Interruption.*]

Mr Speaker: Order. This is very unfair on the right hon. Member for Basingstoke (Mrs Miller). This is an extremely important debate, and she has been called to

speak, but there is a considerable hubbub of private conversations, which is unfair and, dare I say it, a tad discourteous. Let us give her a fair hearing, which should then be extended to every other contributor to the debate.

Mrs Miller: The Labour party voting against this Bill at such an early stage could easily be seen as a blatant attempt to frustrate the Brexit process. I urge its right hon. and hon. Members to consider their position on that. I listened carefully to the hours of debate on Thursday, and I have yet to hear a single Opposition Member say that this measure is unnecessary; if it is not unnecessary, they should vote for it. There are strong arguments to say that this Bill needs amending, but none that says that it is unnecessary. I shall vote for the Bill on Second Reading, but it is clear that a number of issues need to be addressed during Committee.

The Secretary of State made very compelling arguments in his opening address on Thursday, and from what he said, his intention is crystal clear: he wants this Bill to deliver maximum certainty. He was also clear about his openness to hearing of improvements and making changes to achieve them. I can understand his clear frustration that the Opposition’s concerns have not been coupled with specific solutions. I hope that he and the Minister on the Front Bench today can, in their summing up, respond to the specific recommendations that the Women and Equalities Committee made seven months ago to the Government on how to handle the charter of fundamental rights. My Committee is still awaiting a response from Ministers to that report.

The Select Committee did a detailed analysis of how to make sure that, when it comes to equality laws, the same rules apply after exit as do today; that is exactly what the Secretary of State has said that he wants to do. When it comes to equality laws, we need certainty. We need not only to transpose the laws, but to acknowledge the effect and the impact of EU institutions and the framework currently provided by the charter of fundamental rights. People voted last June to take back control of our laws and how they are interpreted, and for the UK Parliament and the UK courts to be the final arbiter, but they did not vote for a diminution of their rights.

It may not be possible or even desirable to preserve the charter of fundamental rights, and that we should retain the charter is certainly not the case that I am making, as it is so clearly dependent on EU law and institutions. I am saying that we need to ensure that its effect is captured; otherwise the backstop on equality rights would be removed, and that would not be the status quo that the Secretary of State is demanding.

There are many examples that I could use to demonstrate the importance of protecting this absolute right, and if I had more time, I would talk about its importance to pregnant workers. If we do not have a clear statement in the Bill on what basis exactly the courts and the law will be on, we need to ensure that we know on what basis the Supreme Court will be able to stop future Acts of Parliament from reducing individuals’ equality rights that are protected under the Equality Act 2010.

In effect, the current structures act as a free-standing right that cannot be overridden by domestic legislation. I am arguing not for the retention of the EU Court of Justice’s role, but for an acknowledgement that the

[Mrs Miller]

removal of its jurisdiction needs to be addressed. The Women and Equalities Committee has put forward three recommendations, which could be easily accommodated in the Bill: first, that a clause be added to the Bill that explicitly commits us to maintaining current levels of equality protection when EU law is transposed into UK law; secondly, that the Government commit to an amendment to the Equality Act, mirroring provisions in the Human Rights Act, to make it clear that public authorities must act in a way that does not contravene the Equality Act; and last but by no means least, that when presenting a new Bill to Parliament, Ministers must make a declaration of compatibility with the Equality Act in exactly the way that they do for the Human Rights Act; that would give the courts a clear direction about the importance of safeguarding equality rights.

In summary, it is imperative that the Bill be given a Second Reading tonight to allow those important changes to progress. It is regrettable that some of the matters being debated, particularly those raised in Select Committee reports, have not been addressed before now. I am simply holding the Government to their own intent of ensuring that

“the same rules...apply after exit”

as do today. I am absolutely sure that this Government, under the leadership of my right hon. Friend the Prime Minister, have only the intention of safeguarding and strengthening equality rights, and particularly workers’ rights. As a nation, we have a proud track record on equality—it is part of our DNA—but to keep the status quo, as the Secretary of State says he wishes to, we need to indelibly embed equality in our approach to law, and in the interpretation of that law by the courts.

3.45 pm

Angela Smith (Penistone and Stocksbridge) (Lab): The Bill represents not just a step along the way towards departure from the European Union, but an unacceptable attempt by the Government to strengthen their hand when it comes to exercising legislative power—and this at a time when the general belief is that we should be going in the opposite direction, in effect giving a bigger role to Parliament.

Only three years ago, the Hansard Society published its robust critique of the system in its report, “The Devil is in the Detail”, yet this Bill confers a breathtaking range of delegated powers on Ministers. For example, the Bill, if given Royal Assent unamended, will give Ministers the power to start implementing the withdrawal agreement before this House has even had a chance to debate and vote on it. The Bill will also allow for its own amendment under delegated powers. There are instances, of course, of that happening in the past, but this is different, because the power is drawn so broadly that it could be used to amend all parts of the Act. The Bill also allows for the amendment, under delegated powers, of primary legislation already on the statute book.

Surely, if the Government were genuinely committed to a smooth Brexit that restored total sovereignty to Westminster, they would not have taken such a cavalier approach to this critically important piece of legislation. One can only conclude that the incorporation of significant delegated powers in the Bill, combined with the scope

for extensive use of statutory instruments under the negative procedure, demonstrates that the Government are running scared of parliamentary democracy; or rather, that they are so arrogant that they believe that they can impose their will regardless of the opinion of the House.

I would go further and argue that the Government’s approach to the Bill threatens a chaotic Brexit, because they refuse to recognise that their use of delegated powers in the Bill pushes our democracy beyond breaking point. That attitude threatens nothing but discord if the Bill goes on the statute book unamended, and in that context, it will do little to deliver a smooth Brexit. Let me be clear: I accept that an efficient and businesslike approach is needed if we are to prepare ourselves successfully for exit from the European Union, but the Government seem incapable of accepting that this approach can be secured while according Parliament its proper and democratic role in scrutinising the powers in the Bill, and the statutory instruments that will emerge over time if it gains Royal Assent.

The Hansard Society has shown us the way, providing us with a framework for scrutiny that removes unnecessary and time-consuming procedures for uncontested SIs, while giving the Commons a more meaningful voice in the process leading to the enactment of the more complex and challenging instruments. I hope that the Government will change their mind; there is a way forward on the table. I hope that those on the Government Front Bench will indicate today that they are prepared to amend the Bill in Committee to allow for meaningful reform of the way in which Parliament scrutinises delegated powers and their use by Ministers, but so far we have had only a weak indication from the Government that they will bend on this all-important principle, and that is just not good enough. That is why I will vote against Second Reading tonight unless things change during the debate.

If I do vote against Second Reading tonight, it is not because I am voting against Brexit. That would be a huge misrepresentation of the nature of this debate and the nature of the decisions involved if we agree to Second Reading. Rather, I will be voting against a Brexit badly handled, which threatens to weaken further our long-established and hard-won democratic traditions.

3.50 pm

Mr Bernard Jenkin (Harwich and North Essex) (Con): This Bill is, fundamentally, not a decision-making Bill; it is an enabling Bill—it is an administrative measure. I spent many years on the Opposition Benches—on the Front Bench and on the Back Benches—practising the professional outrage we saw practised very effectively in the Chamber last Thursday and, if I may so, just now by the hon. Member for Penistone and Stocksbridge (Angela Smith). Of course, there are scintillas of truth in the points being made, but we should remember that the big decisions have been made—on 23 June last year and in the article 50 Act. We are leaving the European Union, and a vote against the Bill, as my right hon. Friend the Member for Basingstoke (Mrs Miller) pointed out, is just a vote for chaos and a chaotic Brexit, rather than a smooth transition.

Much of the debate is actually not about sovereignty, but about scrutiny and the proper role of Parliament, as the hon. Member for Penistone and Stocksbridge just

said. There is huge complexity to deal with, and a quantity of legislative changes need to be made, but we need to keep this in proportion. If the official Opposition are really serious about having a sensible discussion about how to improve the scrutiny of secondary legislation, and particularly of the so-called Henry VIII provisions, let us have that conversation, and I would be delighted to talk about how we do those things. However, the Hansard Society proposals are far more about the procedures we adopt in this House and in the other place than about making fundamental changes to the Bill, albeit that some changes may be necessary.

Mr Kenneth Clarke (Rushcliffe) (Con): My hon. Friend and I rarely agree totally on European matters, but I actually agree with him that we need a practical Bill, not a policy Bill, that enables us to have a smooth transition. Would he therefore not agree that the whole issue under debate could be solved if the Government agreed to amend the Bill so that they gave themselves only the powers the Secretary of State explained to us yesterday that he requires, and so that it achieves only the ambitions that his letter to all MPs set out? Surely no one would miss the rather sweeping powers in clauses 7, 9 and so on if they were removed, because the Government express no intention of using them in the way everybody fears.

Mr Jenkin: My right hon. and learned Friend sets out the common ground we should all be on. However, the debate was not assisted by Tony Blair, who was on the television yesterday speaking about how to deal with this issue. He said:

“Paradoxically, we have to respect the referendum vote to change it.”

There is an understandable suspicion among Conservative Members that some people have not really accepted that we are leaving the European Union. The fact that the official Opposition have chosen to vote against the whole Bill underlines that they are rather reluctant to accept the decision the British people have made.

Before I move on, I should re-emphasise that the Hansard Society proposals have a lot to them, and we should be able to discuss them. I hope that, behind the scenes, colleagues will talk across parties on these matters, as one or two of us have already suggested we should.

However, let me put this in the much wider context, because we are getting rather lost in the detail of the Bill. We are forgetting what the Bill is for and the context it is being discussed in: we are leaving on 28 March—or whichever date it actually is—next year. It might be helpful to have the exit date on the face of the Bill at the outset, to provide additional clarity that negotiations are in progress, or should be.

I think everyone is getting a bit disappointed that there has not been more substantive discussion about the issues that really matter. The European Union’s position is beginning to look more and more unreasonable as it refuses to discuss the end state of the relationship that we all want to see, insisting on an up-front payment, or promise of payment, before it will discuss those matters. I have absolutely no doubt that the EU is playing for time for some reason, possibly because of the German elections, and is likely to crumble on that, and to start to talk seriously about the issues that we need to discuss.

We can talk too much and too glibly about cliff edges; I notice that even the Government have put the term “cliff edge” into their documents. Let us face it—the United Kingdom does not want a cliff edge. We are offering the rest of the European Union seamless trade, as far as possible, no tariff barriers and mutual recognition for products and services.

Henry Smith (Crawley) (Con): My hon. Friend sets out the very essence of the Bill. This is not about a sudden change, but about transposing EU law into British law and evolving as we move forward as a sovereign nation.

Mr Jenkin: Absolutely right. The point is that we want that smooth transition; the only reason there is a possibility that there will not be one is the intransigence so far of the European Union. The paradox is that there are people who were very much in favour of Britain’s membership of the European Union who clearly think that the European Union will inflict the most ghastly cliff edge on our country. I think better of the EU. There are sensible people in the European Union who will not want tariffs, or tariff barriers, or new and unnecessary restrictions on trade between our two countries. They will not want to de-recognise so many of the mutual recognitions we already have. They will want to secure the jobs of their people and their countries just as much as we want to secure ours.

Even if we leave without an agreement, I think the biggest challenge is being ready in time. My biggest concern is that there are still parts of Government that do not seem to be preparing quickly enough. On the question of Her Majesty’s Revenue and Customs and the customs arrangements, are those at HMRC spending money on what we need in place in case there is no deal? I keep hearing that they are waiting for instructions, as though there will be something much clearer for them to work against, but we have to face the fact that we might well leave without a comprehensive settlement of some kind, and that our customs arrangements and all the other arrangements will have to be ready in time. This Bill enables us to do that.

I will end my speech a little early by emphasising that a vote against this Bill would be a terrible disappointment, and I would not take such a vote at face value, as I do not think that the vast majority of hon. Members in this House want to create a chaotic Brexit. They will be voting for a tactical defeat, because they know that they cannot succeed in this debate.

We should concentrate on the fact that we have far more in common with our European partners than divides us. That will be the same after we have left the European Union as it is now. I look across the Chamber at the hon. Member for Ipswich (Sandy Martin); we stood together in one of the glorious Suffolk churches of East Anglia last night and sang Beethoven’s ninth symphony and the words of Schiller’s great poem, the “Ode to Joy”. Incidentally, it was composed more than 100 years before the European Union was invented and has absolutely nothing to do with political and monetary union under the European Union. We are leaving the European Union; we are not leaving Europe.

3.59 pm

Frank Field (Birkenhead) (Lab): I can be mercifully brief. I wish to make two points. First, I will vote tonight for the only option that implements the referendum

[Frank Field]

result. That was the wish of my constituents and that was the wish of the country. I do not wish any different view to be put forward about whose side I am on—I am on the side of the majority of people who voted to come out.

Secondly, I want to address those on the Government Benches. When we started this process, many people bravely went against their lifetime views to implement the views of their constituents, but given the frailty of human nature we have had one or two recidivists who are now thinking, having read Thursday's debate, that there may be reasons for not doing this or not doing the other. When we come back in Committee, I will table a four-clause Bill, because the Government, by having this mega-Bill, are storing up no end of trouble from Members who are wolves in sheep's clothing and who will try to undo the measure.

We need four crucial things from that Bill. First, we need a leave date. Secondly, we need to incorporate all European Union law and regulations. The third clause will give us the means by which the House of Commons and then their lordships review which laws we want to keep, which we want to improve, and which we want to do away with. We are voting from midnight tonight, and there is talk that it will be 3 o'clock on Wednesday morning before we vote on tomorrow's business. With regard to the idea that this place is equipped to review all that legislation, there is shedloads upon shedloads upon shedloads, and it would fill up the House of Commons on several occasions. We therefore need a means whereby we review which legislation we will keep and which we will not. Fourthly, in case there are problems with people with their little hands on our windpipes who think, "If we can hold them to the two years, we will get what we want", we need a safe haven.

That is what we need from this exit Bill: first, the date; secondly, the incorporation of everything; thirdly, a method of review; and fourthly, for a limited period, a safe haven. I hope that when we go into Committee, the Government will adopt those four proposals as clause 1 so that we can very quickly implement this Bill. We can then bring forward small Bills to implement other parts of the mega-Bill they are putting before us, should we need them. I hope that when the whole House of Commons is in Committee, we will carry that amendment.

4.2 pm

Mrs Cheryl Gillan (Chesham and Amersham) (Con): I agree with the right hon. Member for Birkenhead (Frank Field) that this Bill is merely an enabling piece of legislation—a process whereby we can achieve what the country asked us to do. As I understand it, the Government are willing to consider changes in Committee. I hope that they will look at his amendments, and also perhaps mine.

I am sure that all my colleagues here, like me, have been on the receiving end of various emails about this Bill urging us to vote for it, against it or against the programme motion, or complaining about the arrangements for devolution. Voting against it certainly does not make any sense, particularly after the House passed the article 50 legislation. The Bill is the vehicle for the Government and this House to deal with a unique and

extraordinary situation and ensure a functioning statute book as we leave the EU. Unless they are trying to rerun the referendum or create chaos in the process, voting against it should not be an option for any Member tonight.

Ministers have indicated that they will be flexible wherever possible. On the programme motion, however, I think, having lived through the Maastricht debates, that there is little to be gained and much to be lost by prolonging any debate unnecessarily, and eight days seems a reasonable length of time. Our businesses and organisations will not thrive with ongoing uncertainty, and this Bill increases the progress being made to provide the stability and certainty they require for a smooth transition and continuity of business post Brexit.

On devolved matters, our membership of the EU predates devolution to Wales, Scotland or Northern Ireland. It was the UK Government who gave away these powers to the EU, and it is UK Government who will reclaim them. As far as I am aware, the Government have not resiled in any way from devolution; instead, they have recently increased the powers transferred to Wales and Scotland. The Secretary of State has reconfirmed that the current powers will remain exactly the same throughout the process, and the devolved Administrations will, in fact, prepare the devolved statute books for a smooth exit in Cardiff and Edinburgh, with appropriate arrangements for Northern Ireland. Further, he has indicated that in the interim period, if any adjustments need to be made in the areas that are being repatriated, the relevant Administrations will be consulted.

On delegated powers, I see the Bill not as a power grab, which is how it has been painted, but as a pragmatic approach to ensuring that no unnecessary complex disadvantages further burden business in the devolved countries. I hope that an accommodation will be reached on other differences in that area, and I know that the Front-Bench team is listening carefully.

I want to raise one subject on which I would like clarification. The repeal Bill, as it stands, does not prevent the continued application by UK courts after Brexit of EU law to cases in which the facts occurred at a time when EU law, including the law relating to remedies, was in force. So although, if I understand it correctly, there is provision for a Francovich case to be heard if it is lodged before exit day, and there is provision for the consideration of EU legal principles, the repeal Bill does not provide for a transitional reference—one that is made before the exit date but does not come back until after the exit date, or one that is made after the exit date. I hope that Ministers will consider a new clause that allows references on cases that are under way, and that they will look into the matter to ensure that the Government do not abuse their position or evade their responsibilities as a by-product of Brexit.

The Ministers on the Front Bench will be particularly aware of my battles against HS2, which are well documented, and it is worth noting that even former very senior civil servants now virtually acknowledge that the Government went ahead with that monstrous project against advice. What the project has done is throw into sharp relief the need for environmental protections to be effective and maintained, so that we do not take any backward steps. Where the EU has done some good work, it has been on environmental safeguards. I think it is right to remind Ministers on

Second Reading that any changes to these areas must be thought through so as not to dilute the protections and the promotion of environmental law, and I seek assurances on those matters.

In conclusion, we have all heard the rather simplistic attempts to give this process a prejudicial descriptor—hard or soft Brexit—which are a product of polarised viewpoints. I prefer a practical approach and, with perhaps a few modifications, the Bill will do what it says on the tin. It provides a method of facilitating a very complex legal and constitutional extrication, the need for which has resulted from a democratic vote to leave the European Union. I will therefore support the Government in the Lobby tonight, and I hope that many of my Opposition colleagues, as well as my friends on the Government Benches, will do the same.

4.7 pm

Wayne David (Caerphilly) (Lab): Although I campaigned and argued for this country to remain a part of the European Union, I fully accept that that is not the majority view of the country. But I would argue that this is the wrong way to leave the European Union. This is not a general enabling Bill; it is a poorly thought-out, complex and undemocratic piece of legislation. One of the most fundamental problems with the Bill is that it amounts to—yes—a power grab by this Government. That power grab takes several forms, but I want to focus on just two aspects.

First, there is the widespread use of Henry VIII powers, allowing the Government effectively to bypass Parliament and change primary legislation through secondary legislation. That has, of course, happened in the past, but not on such a huge scale as is planned now. As a result of this Bill, we will see extensive use of those undemocratic powers, because some 12,000 EU regulations will be brought into UK law. Some of them will make changes for technical reasons, but, as the most recent paper from the House of Commons Library states, it is anticipated that others will enable “substantive policy changes” to be made by the Government. So changes are likely to be introduced through Committees, which is why the Government are doing their best to pack those Committees with their own MPs, against the established procedure of the House.

We are also seeing an unprecedented power grab with regard to devolution. As a Welsh Member of Parliament and a former Wales Office Minister, I have followed devolution very closely. Many of us expected, as did the devolved institutions themselves, that this Bill would make real the promises the Government set out in their White Paper.

Stephen Kerr (Stirling) (Con): Will the hon. Gentleman give way?

Wayne David: There are many speakers, as we have heard, and I am sorry, but I would rather press on.

In the White Paper of March 2017, it was stated that there would be a significant increase in the decision-making powers of the devolved institutions. That was there in black and white. It also intimated that former EU frameworks would be subject to decisions involving the devolved Governments, but such is not the case. The Bill before us does not return powers from the EU to

the devolved institutions, as promised. Instead, in devolved areas, such as agriculture and the environment, power is going from Brussels to London, bypassing and therefore undermining devolution. Moreover, this Bill in effect imposes a freeze on the legislative competences of the devolved institutions. As a report by the Welsh Assembly research department points out, the devolved institutions will not be able to modify so-called retained EU law for Wales and Scotland, but a Conservative British Government will be able to do so for England, and may even be able to do so for the devolved nations.

Mr Jenkin: In the last Parliament, the Public Administration and Constitutional Affairs Committee took evidence on this matter from the same academic who advised the Scottish Parliament, and he was very clear that the powers being reserved under these proposals were only ever notionally devolved, because they were of course reserved by virtue of our membership of the European Union. This is not a power grab; the Government’s objective is to make sure that the devolved Administrations finish up with more powers than they had before.

Wayne David: We are not talking about notional, theoretical powers; we are talking about actual powers on the statute book, and about whether one institution or another is able to enact laws according to that legislation.

There is a big difference between what was in the White Paper and what is in the legislation before us. What is more, undemocratic changes have been introduced without even a modicum of prior discussion, let alone negotiation, with the devolved institutions. This power grab by the Conservative Government is an affront to the devolved institutions, but it is also a slap in the face of the people of Scotland and of Wales. As Carwyn Jones, the First Minister, said in the Welsh Assembly in July, there is a popular mandate for what the Welsh Government are arguing. To quote him exactly:

“The 2011 referendum...saw a large majority vote in favour of giving this National Assembly primary legislative powers”,

but the European Union (Withdrawal) Bill is

“an attempt to take back control over devolved policies...not just from Brussels, but from Cardiff, Edinburgh and Belfast.”

In his letter to Members of Parliament, dated 7 September, the First Secretary of State said that the arrangement I have described was a “transitional arrangement”. My question is: how long is this transitional arrangement for? How long is the period to which we are referring? How long is the rapid period mentioned in the explanatory memorandum? Is it one month, one year, 10 years, 20 years—how long? This Bill is an undemocratic blank cheque that, if passed, will give unprecedented powers to this Government.

Unfortunately, it is difficult to avoid the conclusion that the Bill has as its prime objective not so much withdrawing Britain from the European Union as concentrating as much power as possible in the hands of a feeble minority Government, headed by a caretaker Prime Minister. Under the cloak of leaving the European Union, the Government seek to emasculate this House and centralise power in their own hands. If the Government were solely concerned about leaving the European Union, there are other ways that it could have been done—other measures could have been put forward—but, no, they chose

[Wayne David]

this particular route. Rather than looking forward to a new and positive relationship with the European Union, this Bill takes us back to the days when the UK was totally London-orientated and inward-looking. That is why I will vote against it, and why I believe that is the right thing to do.

4.14 pm

Sir Edward Leigh (Gainsborough) (Con): Our greatest parliamentary exponent of parliamentary democracy coined the phrase, “In Victory: Magnanimity.” Although, as one or two of my friends know, I am a leaver and my constituency voted 60% to leave, I think that that should be the Government’s approach, both to Parliament in the Chamber and to our European partners and allies. I do not think that it is enough just to allow time on a rainy Thursday on a one-line Whip. The Government should be as generous as possible with time, to allow the House to consider these matters. Personally, I do not see why we could not have three or four days on the Bill, as many people have put in a request to speak. After all, we spend a lot of our time discussing not very much. I would be open-hearted and generous with Parliament.

Before I refer specifically to the Bill, may I say by way of introduction that it would be useful to improve the atmosphere around the process? The truth is that this is a democratic process. Those of us who asked to leave the European Union made our arguments on the basis that we wanted to improve parliamentary democracy and put our people back in charge. That should be our whole approach, and it should be the Government’s approach.

To put that in context, I would be open-hearted and generous in the negotiations between Monsieur Barnier and the Secretary of State for Exiting the European Union. The important thing is that we are leaving, but I do not see why we should not be generous with the financial settlement. We should be as generous as the law dictates, but there is also the spirit of the law. As we have been in an organisation for 42 years, and as we have decided to leave—it has its own spending plans—I do not see why we should not assist it with some of its spending plans until 2021. After all, if we pay less, others will have to pay more. Some of my closest friends do not agree with that. We have the law on our side, but precisely because of that we can be generous.

On the rights of citizens, I have just spent time with Italian Senators who are visiting the building, and with the Italian ambassador. We need to be open-hearted and generous towards European citizens who live here, and proclaim now that we are absolutely committed to preserving their rights and those of every EU citizen, on benefits—[*Interruption.*] I know that we have done it, but we should keep repeating that we are determined to protect those rights. We should be open-hearted and generous in dealing with the House of Commons, in dealing with money, and in dealing with the rights of EU citizens. If we approach life and these negotiations in that spirit, doors might begin to open.

I listened to the shadow Secretary of State for Exiting the European Union—a brilliant lawyer. We are both lawyers. I am just a jobbing barrister doing criminal law in London. That is what I did when I was a young man.

I cannot possibly match his debating skills. He does have a point, and we Conservatives should recognise that. My right hon. Friend the Member for Broxtowe (Anna Soubry) has a point; the right hon. Member for Birkenhead (Frank Field) has a point; my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) has a point. I will, of course, vote for the Bill, because that is what the people want me to do, and it is what my constituents want me to do. There is no alternative, but amendments will be tabled when we are sitting in a Committee of the whole House. I serve on the Panel of Chairs, and I know the Government’s position is always to reject all amendments. This time, they should be positive if something improves parliamentary scrutiny. We are going to get our way; the Government have a majority, supported by the Democratic Unionist party. We should be generous with our Scottish friends. If they have a genuine desire to ensure that powers from the EU do not come to the Westminster Parliament but go to the Scottish Parliament, we should be generous towards them.

There is a lot of false anger. I have sat through many debates in which shadow Secretaries of State puffed themselves up. We have heard a lot about Henry VIII. When I was a rebel I used to care about these things. Now I am a loyalist I let the Government get away with it in many ways. Henry VIII is a bastard, but he is my kind of bastard.

I have made my point. Listen to the House, accept some amendments and ensure that this process is time limited. The key thing for our constituents is this: that we leave the EU at the end of March 2019; that any implementation period lasts only two years; and that we then become an open, free-trading nation with the whole world, with a free trade agreement with the EU. Stick to the essentials, be confident, be generous with the House and we will win this battle.

4.20 pm

Caroline Flint (Don Valley) (Lab): It is a pleasure to follow the hon. Member for Gainsborough (Sir Edward Leigh) and his constructive and positive contribution.

There is no doubt that Brexit poses a great number of challenges to the Government and to MPs of all parties, not least the challenge of replacing European Union laws and jurisdiction with equivalent UK laws and regulations under UK jurisdiction. That is the purpose of the Bill. It is not really a repeal Bill; rather it is the “great adoption” Bill, as it incorporates a huge swathe of EU laws that the UK signed up to into UK law. That is needed so that there will be a legal basis for a whole range of economic, environmental and social activity on the day after we leave the EU in March 2019. For that reason, I do not regard the Bill as hugely controversial—it would be different if it were to abolish workers’ rights, abandon paid holidays and end pollution controls, but it does not. However, it is undoubtedly the case that the Bill needs amending for many of the reasons outlined by my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer).

First, on the Henry VIII clauses, transferring all EU laws and regulations into UK law is an unenviable task. It would also be impossible to put every change or updated regulation before Parliament as primary legislation. This House, as we know, passes many statutory instruments, but in this case the Government need to back a mechanism

for providing a filter to separate the routine, or the modest, from the more important changes that Governments may wish to make in the coming years. If a mechanism—a scrutiny Committee, for example—could provide a path for Members by ensuring that important measures would be brought before the House for debate and a vote, the Government could remove any suspicion that they seek a ministerial power grab.

Secondly, the Government should be open to suggestions about how they can guarantee redress for individuals who feel that their transferred rights are not met by companies or government. Clarification about the provision of redress would, again, remove suspicion during the process.

The truth is that whomever was in government would have to pass a Bill of this kind to prepare for leaving the EU in March 2019. There can be little disagreement about that, unless the ambition is to thwart the result of the EU referendum and to prevent or delay the UK leaving the EU. I believe that Labour's job is to improve the Bill by amending it, not to kill the Bill at the beginning of its passage through Parliament. Labour's reasoned amendment

“declines to give a Second Reading to the European Union (Withdrawal) Bill”.

If that amendment is successful, it will kill the Bill. According to the Public Bill Office, if this Bill is defeated today, a new Bill would have to be introduced in a new Session, or the measure would need to be reintroduced in a sufficiently different form as to not fall foul of the same-question rule. Either way we look at it, defeat for the Bill implies a substantial delay in transferring EU law into UK law, thereby increasing the uncertainties while the Brexit clock ticks towards midnight.

I voted and campaigned for the UK to remain—not in a metropolitan city or university town, but in a seat where I knew a leave vote was the likely outcome. I invite colleagues who were not campaigning in such seats to visit mine. Since the result, I have argued that leave and remain supporters should bury our differences and get on with it. Complex issues such as trade will require more time, hence the need for a transitional period of minimum change while future arrangements are put in place. Some leavers say, “We don't need any transitional plans,” while some remainers say, “Any deal must be worse than staying in.” To them I say this: life post-Brexit is not a choice between nirvana and a living hell. Some changes will be better and some will be worse, and much will pass unnoticed. We either work to make the best of it, or simply damn it for not being perfect. This calls for honest endeavour and compromise on all sides.

Whatever side of the debate Members fall on, if they honestly accept the will of the British people, they are honour bound to see this through and make the best of it. Some suggest that the general election on 8 June changed everything. Like it or not, it led to the second coalition of sorts in seven years—a confidence and supply agreement between two parties that both promised to deliver Brexit. In that general election, I told Don Valley voters:

“When Britain leaves the European Union—I will work for a deal that works for Doncaster. That means easy trade, protecting workers' rights and tough immigration controls with strong borders”. I said:

“I don't support a second referendum. We need to bring people together, whether they voted Leave or Remain and make a success of Brexit.”

I repeat those words today because I have no intention of breaking my word to the voters who have returned me to this House on six occasions.

I hope that Ministers will listen to concerns about the Bill. Their lack of openness, collaboration and foresight to produce a better Bill has not helped. To the Government I say: treat Parliament with respect and be open to constructive suggestions to improve the Bill. I will work with others to improve the Bill, but tonight I cannot vote to block it; I shall be abstaining to allow it to be further discussed and amended. We have a job to do to ensure a smooth, orderly Brexit—for the British people, for British businesses, and for our continuing friendship and partnership with the EU.

4.25 pm

Zac Goldsmith (Richmond Park) (Con): It is an honour and a pleasure to follow the right hon. Member for Don Valley (Caroline Flint), who gave an extraordinarily compelling and principled speech.

This is a critical Bill. We cannot logically leave the EU if we continue to subject ourselves to EU law, courts and regulators. It is for exactly that reason, however, that some Members will use the Bill as an opportunity to scupper the process and prevent us from leaving the EU. And that worries me. In perhaps the most important—certainly the biggest—democratic exercise the country has ever seen, people voted to leave. I believe that 80% of electors in the general election voted for parties that pledged to honour the result of the referendum. If that promise was broken, the resulting anger would give rise to extreme political movements right across the UK that would change our politics forever. We can improve the Bill in Committee and on Report, but to stop it on principle is to play with fire.

I want to comment briefly on one area impacted by our leaving the EU: the natural environment. The opportunity to do great things here is almost incalculable. We have a chance not only to right some wrongs, but to make historic progress. Under the common agricultural policy, for example, vast amounts of public money are handed to wealthy landowners simply because they own land. The policy supports perverse incentives to harm the environment and shuts off the UK market to developing countries through higher tariffs. For years, environmentalists, farmers' organisations and a whole succession of farming Ministers have dreamt of changing and profoundly reforming the CAP. Well, we now can—and we must. We will be able to ensure that the subsidies regime that replaces the CAP supports food production and improves and protects the natural environment, with a system whereby public money is genuinely a return for public good. We have an opportunity to raise standards and boost our rural economy at the same time, and that opportunity extends beyond the CAP. As a country, we have led the way on animal welfare, but we have been limited in what we can do due to our membership of the EU.

Henry Smith: One animal welfare benefit is that on leaving the EU, we could ban the live export of animals from our ports, which causes such great suffering.

Zac Goldsmith: I thank my hon. Friend for making that point, which is one that I was just about to make. CAP funds have even been used to subsidise bullfighting in Spain.

Sir Edward Davey (Kingston and Surbiton) (LD): Will the hon. Gentleman give way?

Zac Goldsmith: No, I will not take any more interventions.

Most critically, even though we apply high animal welfare standards to production in this country, we cannot apply those standards to the food we import, which means that instead of preventing cruelty, which is what we are trying to do, we are simply exporting that cruelty to other countries while disadvantaging our own farmers. We could address that as well.

Clearly, in other areas, the EU has been a good thing for the environment—I would not pretend otherwise. The EU has undoubtedly been instrumental in forcing us to clean up our act. For instance, our rivers and beaches are cleaner today because of the EU than they would have been.

Sir Edward Davey: Will the hon. Gentleman give way?

Zac Goldsmith: I will not.

That is why a core responsibility of this Parliament and this Government is to ensure that those key EU regulations—the habitats directive, the birds directive and the sewage sludge directive—have absolute, meaningful, proper, full protection in British law. We have had that commitment, but I should like to hear it a few more times from Ministers during this debate.

There are legitimate concerns about this process that need to be addressed in the Minister's wind-up.

Geraint Davies (Swansea West) (Lab/Co-op): Will the hon. Gentleman give way?

Zac Goldsmith: I will not, because I am running out of time.

First, when a state fails to implement EU law today, there are penalties, but that will no longer be the case—for obvious and appropriate reasons. However, an alternative system does need to be introduced. If the present or a future Government fail, for example, to stay within air pollution limits, it must be possible for sanctions to be applied and for that Government to be held to account—that is a core ingredient in any healthy democracy.

Secondly, it is not clear that important principles, such as the “polluter pays” principle or the precautionary principle, will be fully and meaningfully absorbed into UK law. If the individual regulations are to have meaning, those principles must be embedded in UK law. Finally, the Bill enables the Government to transfer regulatory functions from the EU to domestic bodies, but it does not make that obligatory, which seems to me to be an obvious weakness. I hope that the Minister will respond to my concerns, as well as the other issues that are raised today, and provide reassurances that they will be addressed either during the Bill's later stages, or in subsequent environmental legislation.

4.31 pm

Stephen Gethins (North East Fife) (SNP): Today marks the 20th anniversary of the referendum on re-establishing the Scottish Parliament—not just “notionally” re-establishing it, I should point out to the hon. Member for Harwich and North Essex (Mr Jenkin). I voted in that referendum having just returned from the Erasmus programme. The re-establishment of the Scottish

Parliament was backed by most of Scotland's parties—certainly by its progressive parties. Today we are about to see the biggest devolution power grab since that re-establishment, and it that will have an impact on the devolution process the likes of which we have never seen before. As someone who returned from Erasmus to vote in the referendum 20 years ago, I have been reflecting on the impact that this process will have on opportunities for young people, among others.

The hon. Member for Richmond Park (Zac Goldsmith) rightly highlighted the benefits of European Union membership. It has benefited our rights; it has enabled us to build a broad consensus on the need to tackle environmental problems such as climate change; it has benefited universities; and it has torn down trade barriers. Tonight we will vote on a Bill that will take powers away from Holyrood and undermine the devolution process, and that is something that we cannot thole.

Stephen Kerr: Will the hon. Gentleman give way?

Ross Thomson (Aberdeen South) (Con): Will the hon. Gentleman give way?

Stephen Gethins: I shall come to both hon. Members shortly—they will have ample opportunity.

The Government's approach was rejected in June, and we should all be mindful of the fact that what has been delivered in its place is a Parliament of minorities. That is commonplace at Holyrood. It is something that we had to get used to, and it is something that we shall all have to get used to. A Parliament of minorities is clearly a challenge for the Government, but it is a challenge for the Opposition as well, because we must all show that we are willing to work in a constructive way if the Government are willing to listen. That is not easy for us. The SNP remains committed to Scotland's membership of the European Union. I want to see Scotland as an EU member state, and I am proud that Scotland voted overwhelmingly to support that. However, given the devastating impact of the Government's lack of strategy, it is up to this Parliament, and all parliamentarians, to step up to the mark.

The mess that we are in is not entirely the Government's fault. I think that Vote Leave bequeathed that mess by presenting a blank piece of paper, which means that it is up to us to try to fill in those many, many blanks. Having said that, the Government have had five months since they triggered article 50 and 15 months since the EU referendum. Ministers bear culpability for the present situation, but Ministers who were part of Vote Leave bear particular culpability. For instance, there is the Secretary of State's own yardstick:

“I would expect the new Prime Minister on September 9th to immediately trigger a...round of trade deals”.

Where are they? In the face of such chaos, all Members have a responsibility—each and every one of us. We need to put our differences to one side.

There is scope to do that, as we have put together a compromise. On this anniversary of devolution, I want to pay tribute to the Labour party and Plaid Cymru, which were able to put aside their differences and to try to come up with a common position. I know it was not easy for Members of both parties to do it, but they did, and full credit to them both for doing so. The Scottish Government put together a committee of experts to

come up with a compromise, and I note that in the aftermath of the referendum—here is the cue for Conservative Members—Scottish Labour and the Scottish Conservatives called for retaining membership of the single market. In fact, the Scottish Conservative leader—who knows, maybe the future Westminster Conservative leader—said:

“Retaining our place in the single market should be the overriding priority.”

I would certainly hope that Ruth Davidson’s Conservatives will do the right thing and stand by their leader. I wonder if they are Ruth Davidson’s Conservatives or Theresa May’s Conservatives when it comes to this—they are staying seated, saying nothing whatsoever.

The Bill also represents one of the biggest power grabs that we have seen. I note that one MP said—

Stephen Kerr *rose*—

Stephen Gethins: Ah, there we go! I give way.

Mr Speaker: Order. The hon. Gentleman is in a state of uncontrolled excitement, but he is auditioning to be a statesman; he must calm himself.

Stephen Kerr: The hon. Gentleman has mentioned several times now that this Bill represents a power grab; that is the new in-fashion statement from the Scottish National party. Can the hon. Gentleman name one power that the UK Government will grab back from Holyrood?

Stephen Gethins: I will give the hon. Gentleman his due: at least he had the courage of his convictions and stood up; the rest of them took their time over that. On fishing, on agriculture and on energy, we were told that these powers would come back to the Scottish Parliament without touching the sides, so where are the full powers over fishing, agriculture, energy and education? They are being retained by this Parliament on the 20th anniversary of the devolution process.

To return to my point, the MP I mentioned earlier said this:

“The balance of advantage between Parliament and Government is so weighted in favour of the Government that it is inimical to the proper working of our parliamentary democracy.”—[*Official Report*, 22 June 1999; Vol. 333, c. 930.]

That warning about powers such as Henry VIII powers was made in 1999 by the Secretary of State himself when he tried to introduce a Bill to deal with them.

This is a hung Parliament. The Scottish Parliament was designed for a new kind of politics, and one thing I will say to Conservative Members—I hope they are listening—is that even when the SNP was elected with 47 seats out of 129, we had ground-breaking, world-leading action on climate change, free education was reintroduced, and the number of police officers was increased. Action can be taken in a Parliament of minorities, but for that to happen, Members must be willing to listen to those on the other side of the House.

Excellent points have been made from the Conservative and Labour Benches, as well as by other colleagues. The challenge is whether this Government are prepared to listen. What we have seen so far is a Tory Government who want to turn their back on the EU and happily talk about a no-deal situation that would be devastating for jobs and the economy. This approach of ourselves alone

against the world is not one that I can possibly endorse, and nor can my colleagues. We must reject this Bill. A new approach is needed, and that is why we will be voting against the Bill tonight.

4.38 pm

Robert Neill (Bromley and Chislehurst) (Con): I shall support the Bill on its Second Reading for the simple reason that it is necessary. I do not do so with relish, because I would rather that we were not leaving the European Union, but, as a democrat, I accept the outcome of the referendum. And if we are to leave, we must do so in an orderly fashion, and it is therefore particularly important that we have legal certainty and continuity. The objective behind the Bill, of incorporating EU laws under the *acquis* into our law, is perfectly sensible, and that is why I shall support it, but we must also have a Bill that is fit for purpose and actually achieves that effectively. Although I shall support the Bill on Second Reading, as will become apparent, I do so on the basis that it needs improvement in a number of areas in Committee.

I had the chance to read in detail the impressive speeches of my right hon. and learned Friends the Members for Rushcliffe (Mr Clarke) and for Beaconsfield (Mr Grieve), who I am glad to see are both in the Chamber. I agree with their analysis, and I will not seek to repeat it all. I adopt what they said about the areas where improvement is needed. It has already been pointed out that there are difficulties with the Henry VIII powers. It seems to me that clauses 7 and 9 go beyond what is acceptable or necessary, and I hope that the Government will approach that matter in a sensible and constructive spirit. Equally, delaying the Bill would do no favours to the good governance of the country, to citizens or to businesses and business confidence, so I certainly have no truck with the Opposition’s approach of seeking to undermine the Bill.

We need to make clear the areas of the Bill that need improvement. There is of course a use for so-called Henry VIII powers for making secondary legislation in appropriate cases, but in some areas we are dealing with matters of the most profound significance for individuals and businesses. I hope that the Ministers, who are reasonable people, will listen to constructive amendments that would provide reassurance and safeguards against inappropriate use of those powers and would improve the Bill by bringing greater clarity to the way they can be applied.

I shall touch briefly on a couple of other matters. I hope that we can look at the opportunity to assist the judiciary with how they interpret the EU *acquis*, which will be incorporated in our domestic law once we have left. The recently retired President of the Supreme Court, Lord Neuberger, made this point powerfully, and he did not do so lightly. It is frankly not fair to leave judges to fish in the dark when they come to interpret some of the legislation.

A particularly important issue in this respect is that once we leave the direct jurisdiction of the European Court of Justice, the opportunity to seek preliminary rulings on issues will no longer exist and we have to find alternative means for dealing with that. My right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) referred to the Francovich situation. She is right about that issue, which should be addressed. Similarly, we have to bear in mind that we will incorporate EU law,

[Robert Neill]

which in some cases is based on the treaties. Will the UK courts be able to take the treaties into account in assessing how incorporated law should be applied post our leaving? Those are important areas where greater clarity is needed. What is to be done about situations where incorporated law grants a right to a UK citizen or business but our leaving will, at the moment, leave a gap as to whether that UK citizen or business has a remedy?

Nick Thomas-Symonds (Torfaen) (Lab): One of the issues is that with environmental law, for example, there is currently a remedy of going to the European Court of Justice, but there is no replacement in the Bill as it stands.

Robert Neill: That is entirely right, and it cannot be rational or coherent to give UK citizens a right under UK law by incorporating European law but give them no ability to exercise that right. That applies whether a case is against another individual, against a business, or indeed against the Government. My right hon. Friend the Member for Newbury (Richard Benyon) pointed out that that also raises the issue of infraction proceedings: what is the remedy if the Government breach incorporated law?

Those important issues need to be dealt with in Committee, so I turn briefly to the programme motion. We must have time to deal with these matters properly. I want the Bill to be successful. I want it to end up as a good Bill, and that will require changes to the Bill. With good will, that can be achieved—and it can be achieved timeously, to ensure that what we need is in place at the time when we leave the European Union. I have no truck with those who seek to filibuster and needlessly delay the Bill. If I am to be able to support the Government on the programme motion, I hope that they will assure us that we can have some flexibility if more time is required for genuine, serious consideration of important amendments, but I hope that it is not needed—there is a distinction between proper consideration of serious points of amendments and the sort of filibustering that I am sure we will see. On that basis, I am prepared to give the Government a fair wind, but it is important that we get that assurance so that our important scrutiny work can be done properly.

Finally, I have just returned from Gibraltar, where I was with several other colleagues for its national day celebrations. Gibraltar will be affected by our departure from the European Union, but I am glad to say that Her Majesty's Government of Gibraltar and the business and civil communities there are satisfied with their level of engagement in the negotiations so far. However, can I have an assurance that when we come to deal with secondary legislation that may affect Gibraltar, its Government will be fully involved in the drafting of any secondary legislation that may have an impact on them?

4.45 pm

Mr Pat McFadden (Wolverhampton South East) (Lab): The Bill attempts to incorporate into domestic legislation the body of European Union law that has built up in the 44 years since we joined the EU. The stated purpose is to provide the country with continuity and certainty on what our statute book will contain on the day when

we leave. Yet the purpose of leaving the EU is to depart from the laws incorporated by the Bill, otherwise there would be no point. So the legal certainty that the Bill aims for can last no longer than day one itself.

Leading leave campaigners have attempted to assuage such fears by pretending that they want to change nothing—not labour laws, not environmental protections, and not consumer protections. Those who have been the most vociferous opponents of any regulation that has stemmed from the EU, including members of the Cabinet who have attacked its laws and protections, such as those for people at work, now profess to agree to all the regulation that they previously detested. As we have come to expect in the pattern since the referendum, any attempt to ask questions about the Bill has been met with the usual accusations of betraying the public and denying the referendum result. Our democracy deserves better than that. If the proposals cannot stand scrutiny and questioning, the proposals are at fault, not those doing the questioning and trying to apply scrutiny.

Let us look at the content of the Bill. Most attention has been focused on the delegated powers provisions set out in clauses 7, 8, 9 and 17, and on the scrutiny provisions set out in schedule 7. In simple terms, those are the powers to amend the law without the usual legislative process of full debate. For example, clause 7 states that a Minister

“may by regulations make such provision as the Minister considers appropriate”,

and clause 9 states:

“Regulations under this section may make any provision that could be made by an Act of Parliament (including modifying this Act).”

Up until last week, the cornerstone of the Government's defence of those proposed powers was the claim they were supported by the House of Lords Constitution Committee. Indeed, last Wednesday, the day before this debate began, the Prime Minister told the House that the Government's approach

“has been endorsed by the House of Lords Constitution Committee.”—[*Official Report*, 6 September 2017; Vol. 628, c. 148.]

Let us look at what the Committee actually said in last week's report. It stated:

“The executive powers conferred by the Bill are unprecedented and extraordinary and raise fundamental constitutional questions about the separation of powers between Parliament and Government.”

It continued by saying that

“the Bill weaves a tapestry of delegated powers that are breath-taking in terms of both their scope and potency”

and that the

“number, range and overlapping nature of the broad delegated powers would create what is, in effect, an unprecedented and extraordinary portmanteau of effectively unlimited powers upon which the Government could draw. They would fundamentally challenge the constitutional balance of powers between Parliament and Government and would represent a significant—and unacceptable—transfer of legal competence.”

If that is the Government's case for the defence, I would not like to see the case for the prosecution.

Mr Kenneth Clarke: Does the right hon. Gentleman agree that there have been a lot of arguments in the past about Henry VIII powers and about the Executive taking power away from Parliament, and that it has all steadily gone in one direction? The danger now is not only the consequences of this Bill and of the details of

Brexit, but that if the House does not challenge this Bill and change it, it will be quoted as a precedent for years to come. I have no doubt that if the Labour party ever gets back into power, a future Labour Government will start lecturing a Conservative Opposition that there are clear precedents for taking powers of this kind.

Mr McFadden: The right hon. and learned Gentleman is, of course, correct that we have had some of these debates before.

The criticism does not stop with the House of Lords Committee. The Hansard Society says that

“the Bill will strengthen the...executive, not Parliament”.

Its report on the Bill says:

“the broad scope of its...powers, the inadequate constraints...on them, and shortcomings in the proposed parliamentary control...will be...a toxic mix”.

We have had regulatory Bills before, and many years ago, when I was first elected, I was involved in taking the Legislative and Regulatory Reform Act 2006 through the House. There was huge controversy about the powers contained in that legislation, and many Conservative Members who most vociferously defend the European Union (Withdrawal) Bill attacked that Act as a huge power grab.

The response to the 2006 Act led to the setting up of a special scrutiny process for deregulatory measures, and the Hansard Society says:

“Previous legislation, such as the Legislative and Regulatory Reform Act 2006, provides examples of ways in which”

the Government

“could introduce safeguards into the EU (Withdrawal) Bill to tighten the scope and application of the powers.”

But there are no special scrutiny measures proposed in the Bill, even though its scope is far, far broader than the 2006 Act.

Sir William Cash (Stone) (Con): Will the right hon. Gentleman give way?

Mr McFadden: With consideration for other speakers, I will press on.

In fact, most of the orders made under the proposed powers, far from being elevated into some kind of special sifting and debate procedure, will go through on the negative resolution procedure, with little or no debate.

On one level, I sympathise with Ministers. The outcome of the Brexit negotiations is so uncertain—in fact, getting an agreement at all is not certain—that they want to confer on themselves the maximum possible leeway in legislating, but Parliament cannot take that view. It has been argued that the best way to raise the issue of executive authority is in Committee and not now, but we already know that the Government propose to give themselves a majority on all Committees even though they did not win a majority at the general election. There is no indication—in fact, the very opposite—that the Government are more likely to listen in Committee than they are now. Parliament’s maximum moment of leverage to call on the Government to think again is not in Committee but now.

We have been told that a vote against the Bill is a vote for a chaotic Brexit, which is a bit rich. There only has to be more than two Cabinet Ministers in a room to

produce versions of a chaotic Brexit. When Ministers are pushing against one another, and when letters supported by junior Ministers are being circulated attacking the policy of the Government in which they serve, the Tory party is well capable of producing chaos on its own. We have a legitimate job to do in scrutinising the Government. To further that end, I will vote against the Bill tonight.

4.53 pm

Vicky Ford (Chelmsford) (Con): In last year’s referendum I and many others warned of the risk of uncertainty. That risk has not gone away, but we can work together to reduce it, which is why the Bill is needed. Businesses need legal certainty to trade, create jobs and generate taxes, and the laws that govern our businesses are important. For the past 40 years or so, many of those laws have been agreed at European level. In my time in the European Parliament, I saw how those laws often cover important areas: consumer rights, copyright, product safety, even counterfeit medicines and data protection.

In my constituency of Chelmsford there are about 2,000 jobs in the insurance sector. The UK is home to the world’s largest insurance market, and we provide insurance for airline crashes, cyber-attacks and even to clear up after the horrific hurricane that is raging across the Atlantic today. Our insurance companies can offset such risks by re-insuring with others in the industry, and the industry is governed by the European regulations. Our companies do not want to scrap their rulebook, and the Bill will enable those rules to be moved into UK law; it will help avoid a legal vacuum, which is important. Many laws cannot be directly copied across; technical changes are needed, and Ministers need the powers to make those technical decisions.

The Bill is not perfect; there are many areas where decisions are not technical and policy decisions will need to be made. In the insurance sector we see that the devil is in the detail. Article 16 of the insurance distribution directive says that European insurers can only redistribute their risk to others that are regulated in the EU. We cannot just cut and paste that into our rulebook, as it would cut us out of our own market. Dealing with such examples is not straightforward; policy decisions are needed, and they could affect real jobs. The companies concerned want to be consulted, as will regulators in other countries, and such decisions deserve proper scrutiny.

Other sectors also have concerns. The Bill exempts the charter of fundamental rights, but the tech sector points out that article 8 of the charter is crucial because it underpins data protection laws, which enable the free flow of data. TheCityUK asks what is happening to the level 2 decisions, which are important in implementing much of our financial services law and many of which will arrive only after the date of exit. The consumer organisation Which? points out that EU directives provide not only consumer protection, but product standards and the networks for sharing information on things such as dangerous toys and dodgy electrical goods. What is to happen to those after Brexit?

It is important that stakeholders can raise their concerns, and significant decisions deserve to be properly debated. The statutory instrument mechanism does not give confidence to stakeholders or future trading partners that issues will be properly scrutinised. Some 3,500 statutory instruments are laid before this House every year, yet only eight have been annulled since world war two.

[Vicky Ford]

The rest of the world is watching us. As a British Conservative, I have spent years working with Ministers, championing the cause of better regulation; we have told legislators all across the EU that before they change laws they should consult those who will be affected, address the impact and make sure that decisions are not just taken behind closed doors. Now is not the time to drop the ball on that at home, because if we are to get deep trading partnerships with Europe and other parts of the world, we need to retain their trust. Where decisions have an impact on other countries, our future trading partners need to know that we are open to listening to their suggestions.

Sir Edward Davey: The hon. Lady is making a powerful point. When I was a Business Minister in the coalition Government, I negotiated with the EU Council on competitiveness to ensure that the EU undertook proper regulatory impact assessments of its regulations. That was a considered approach to make sure that stakeholders were consulted. Under the regulations proposed in the Bill no such consultation will take place, which is far worse and far more damaging than the situation under the EU.

Vicky Ford: I wish the EU had followed that mechanism all the time, then we might not be where we are now. The right hon. Gentleman's point shows precisely why we need amendments, which I was coming to. Last Thursday, the Secretary of State suggested that he would be prepared to agree to a sifting or triage process, so that technical decisions could be made swiftly but more important policy decisions can have proper scrutiny. The Opposition have not offered any alternative drafting, but that is the sort of amendment we need to see. I will be supporting the Bill tonight, because it is necessary and it needs to move to Committee. We need to make sure we put in place many amendments so that we provide for scrutiny, but this is not a time to just throw out the Bill, because history will not thank those who treat this as another game of political football.

4.59 pm

Margaret Beckett (Derby South) (Lab): On Thursday, the Secretary of State said in this House that this debate and the Bill are not about whether the United Kingdom leaves the European Union; I wish he could convince some of his colleagues of that, as they continue to make that argument even when it is totally inaccurate. The people made that decision in the referendum a year ago and this House endorsed it by triggering the article 50 process this year.

Today, we are not discussing whether but how we leave the EU and, in particular, how this House makes its decisions—not least, as the right hon. and learned Member for Rushcliffe (Mr Clarke) said a few moments ago, with respect to the precedent we will set for the future. In recent days, I have heard a number of people, including the Foreign Secretary, claim that a vote against the Bill would be a vote to obstruct the will of the people. That is arrant nonsense, as I think most of those who make that claim are well aware. To me, it is in fact this Bill that negates the declared purpose of the referendum, which was, as I understood it, to take back to UK legislatures the powers that in recent years we have shared with others through our membership of the EU.

The second thing the Secretary of State said the other day that I found particularly relevant was that no one said this was going to be easy. If only that were so. Actually, as he knows, many Government Members have been claiming that it would all be easy since before the referendum, and indeed ever since. I shall go rather further than he did. Apologies to those present and elsewhere who were not born in 1983, but in that year's general election, my party made the case that after 10 years' experience of being in the common market, we ought to leave. We said, explicitly, that unless we left then, our economies and societies would be so enmeshed that in future it would be impossible to leave without inflicting enormous, unsustainable damage on ourselves. That contention was supported by someone I would not normally cite, the late Enoch Powell, who urged people to vote Labour in that election for precisely that reason. Yet it is that task to which the Bill turns us, and which we are now trying to accomplish through the Bill.

In the dialogue during and following this debate, just as in the negotiations themselves, it is vital to establish, if at all possible, a degree of trust and mutual understanding. Yet it seems to me that the Government's behaviour is almost calculated to undermine any such trust. The short amount of time that has been allowed for the debate does not remotely bear comparison with anything one could call a comparable debate, Bill or set of negotiations. I shall not repeat all the things everybody else has already said and no doubt will say right up until midnight about how the detail of the Bill is in itself so sweeping and so damaging, but there is no doubt that that is the nature of the Bill.

As was said a few moments ago by the hon. Member for Chelmsford (Vicky Ford), in Thursday's debate the Secretary of State sounded sympathetic to some of the points that were made about the restricted nature of the Bill's proposals on the scrutiny of the statutory instruments that would be introduced under it. He asked, as did the hon. Lady, that those expressing concern should make suggestions as to the remedy for the problems that the Bill creates, so I shall make three observations to the Minister and, through him, to the Secretary of State.

First, as was mentioned on Thursday, the idea of making use of amendable statutory instruments has been discussed in this House forever. It has never been accepted, for obvious reasons—there are many flaws in such a procedure—but none the less it might be better than the proposals in the Bill. Whether by that means or by others, there are and will be ways to expand the scope of whatever procedures we follow, even if such special procedures were attached to a specific time, or were time-limited. That would be possible particularly if those procedures were linked to any similar limits on the powers that the Government are seeking to take and their duration. It seems by no means to be beyond the wit of man to find much better systems of scrutiny than the Government are putting forward today.

My second observation is that, in searching for such potential procedure, the Government should cast their net wide. As Leader of the House, I proposed, for the first time, the introduction of the programme motion. In giving effect to a previous recommendation of the then Procedure Committee to facilitate the examination of the whole of a Bill, we also addressed the serious drafting problems that existed. We worked with the Clerks,

who were, as ever, brilliant in their expertise and helpful in their advice and also with others. The drafts for the procedures, which we were ultimately able to adopt and which the House uses to this day, came through the involvement not just of our Clerks, but of Parliamentary Counsel. Therefore, there are others, across Government, across Whitehall and across the organs of the state, who could contribute to such discussions as to what procedures might work better than what the Government now propose.

Mr Peter Bone (Wellingborough) (Con): The right hon. Lady is making a very thoughtful speech, but does she think that programme motions have been of benefit to the House?

Margaret Beckett: I have a slight advantage over the hon. Gentleman in that I was in the House before programme motions existed. All I can say is that I part company with him if he thinks that it is better for people to spend hours, indeed days—I mean literally days—discussing whether a Committee should sit on a Tuesday or a Thursday, or whether we should sit until half-past 5 on a Wednesday night, than to spend that time discussing the substance of legislation.

My third point to the Secretary of State is perhaps the most important—I say this also to the hon. Member for Chelmsford. It is not merely the prerogative of the Government to make proposals to this House to remedy the defects in the legislation, but the duty of the Government—particularly in this case—to do so because it is their legislation. My right hon. Friend the shadow Secretary of State advised the Government to withdraw this Bill and produce a more satisfactory set of proposals. I never imagined that I would find myself giving such advice to any Government, but I think that he is probably right.

That brings me to my final point. In essence, this Bill was drafted for a Parliament in which the Prime Minister had a massive mandate. I am talking about a Parliament in which she had been given the free hand for which she had asked the British people—a free hand to make and implement decisions without any serious let or hindrance. Everybody in this House, and those beyond it, know that she did not get that mandate. She did not get that free hand. This Bill is drafted for a reality that no longer exists, and yet the Government are continuing as if—to coin a phrase—nothing has changed. Well, as we saw during the general election, the Prime Minister may feel that nothing has changed, but hardly anyone else shares that view. This is a Bill of enormous consequence. It sets the most dangerous precedents of any Bill I can imagine for this House or any other. My party is right to vote against it. It is those who vote for it who are at risk of rejecting the view that the British people expressed in the general election.

5.8 pm

Mr Peter Bone (Wellingborough) (Con): It is a great honour to follow the right hon. Member for Derby South (Margaret Beckett). She made a very thoughtful speech. One point on which I entirely agree is that, as this Bill passes through the House, we can look at better ways to scrutinise secondary legislation in particular. It seems that the Government are right that they will have to use secondary legislation, but it does not mean that

all Delegated Legislation Committees must look the same. We do not have to have a one-and-a-half-hour DL on a technical matter of no importance whatsoever. However, if there is a Committee of some importance, why not extend the hours? Any Member can speak in a DL Committee, so there are ways we can improve scrutiny. That is what the Committee of the whole House should do when it considers the Bill.

I would be very surprised if the Bill finishes up in exactly the same format at the end as at the start. The Government would be well advised to accept reasonable amendments that improve the situation, but the principle of this Bill is quite simple.

Chris Bryant (Rhondda) (Lab): On delegated legislation, the hon. Gentleman seems to think that it is okay if something is debated in Committee, but the truth of the matter is that the only motion that can be considered in a delegated legislation Committee is whether the Committee has or has not considered the matter in hand. In other words, if every member of the Committee voted against, the legislation would none the less come into law. That is the danger of relying on secondary legislation.

Mr Bone: I think the hon. Gentleman would agree that if the affirmative mechanism were used, the whole House would vote on the matter, so I do not accept his argument.

This Bill is about a principle: I think it is called the European Union (Withdrawal) Bill, and I think I introduced—

Sir Oliver Letwin (West Dorset) (Con): Will my hon. Friend give way?

Mr Bone: Not for a moment, because on this particular point I think I am right: it is called the European Union (Withdrawal) Bill. I remember introducing a number of such Bills, or certainly speaking in favour of a lot of them. At that time, they were rather dismissed by the Government and we did not make much progress, so if I have an opportunity to support a Government Bill called the European Union (Withdrawal) Bill, as I do tonight, then I am going to take it, and I hope other Members do too. What the Bill primarily does is end European Union legislation and control over this House when we leave, while the second bit incorporates all EU laws into our laws—“retained EU law”, it is called. It is quite right that in future we should look at all those laws and decide whether to improve, reject or keep them, but there has to be a mechanism when we come out to have all those laws in place or chaos will occur.

Sir Edward Leigh: The hon. Member for Rhondda (Chris Bryant) raised a very important point in his intervention that has to be dealt with clearly on the Floor of the House. Personally, I am in favour of any compromise—any triage process, as suggested by my right hon. Friend the Member for Broxtowe (Anna Soubry) and others—but on this point my hon. Friend the Member for Wellingborough (Mr Bone) must be wrong. The House has a right and the powers, and historically it has been able to reject delegated legislation—otherwise what sort of Parliament are we in?—so he is making a wrong point.

Mr Bone: I thought that was the point I made: that this House could ultimately reject a DL. That is clearly what happened: we vote on it. I remember, and we vote on them all the time—my hon. Friend the Member for Chelmsford (Vicky Ford) mentioned at least eight times that they had been annulled.

Chris Bryant: Under the negative procedure, which is referred to regularly in the Bill, it is entirely up to the Government whether to allow a debate and a vote at all, and in the last 12 instances where the House has demanded a debate and a vote, including on very important issues, they have granted them on only four occasions.

Mr Bone: I entirely accept that point about the negative procedure. I want to move on to—

Helen Goodman (Bishop Auckland) (Lab): Will the hon. Gentleman give way?

Mr Bone: I do not have time to take any more interventions. I must press on. There are so many—

Helen Goodman *rose*—

Mr Bone: No!

Basically, this Bill is about the principle of ending EU control over this House and incorporating those laws. That is fine, and that is why every Member of the House should vote for it tonight. What they should then do is look in Committee, clause by clause, at how we are proposing to scrutinise, change and incorporate laws. I wholly accept that the negative SI procedure is probably not the best way of proceeding.

Another thing that has been mentioned—the right hon. Member for Derby South brought it up, and it is probably what I wanted to talk about most—is programme motions. As a principle, I am against programme motions. I accept entirely the answer she gave me, which is that it was a lot worse before. However, she did not go on to say that it is great now, and I do not think it has been. There have been a lot of problems with the Government deciding programming and the timing of scrutiny.

Now, this particular programme motion is one of the better ones, because the debate is eight days long, with eight hours' protected time each day. I am fed up of sitting here waiting for a debate, only to find that there is statement after statement, which reduces the time we have for that debate. Thankfully, we are not doing that this time, and if there is a need for extra time, the Leader of the House would be well advised to grant it.

I was here at business questions on Thursday, and the shadow Leader of the House did not complain about the timetabling. [*Interruption.*] Well, I must have been deaf, because I was listening out for it. She moaned about a lot of things, but she did not complain about the length of time.

Chris Bryant: She did.

Mr Bone: Well, I will stand corrected if that is the case.

Anyway, the point I wanted to make is that it should not be up to the Government to timetable business in this House. By fortune, I have a ten-minute rule Bill tomorrow that introduces a business of the House commission.

If that Bill was law, we would not be worrying about all of this now, because timetabling would be decided by the House, with a commission putting its recommendations to the House once a week to vote on. So we are having a row about something when we do not need to.

If only we had listened to David Cameron, the former Prime Minister, when he said in his “Fixing Broken Politics” speech—one of his best speeches ever—that we should have this House commission. It was, of course, also in the coalition Bible, and we guaranteed that we would have that House commission within three years of the coalition's coming into power. I do not know why that did not happen; I assume it just got overlooked. It would be quite wrong of me to say that the two Whips Offices were absolutely opposed to losing their power—it could not possibly have been that.

All that I am doing tomorrow is, hopefully, reintroducing something that was the policy of the former Prime Minister, the Conservative party, the Liberal Democrats and the Wright reforms. If we had had that commission, all the arguments and worries on the Opposition side would have disappeared.

5.17 pm

Mr David Lammy (Tottenham) (Lab): I am very grateful for the opportunity to speak this afternoon. Let me start by saying that it is possible for parties to work together to find consensus and bipartisan moments. I see the Secretary of State for Justice in his seat; we have been working together on the review his predecessors asked me to do on the over-representation of black and ethnic minority people in the criminal justice system, and I am grateful for his support and that of his civil servants over the last 18 months.

I wish that I could be speaking in a spirit of co-operation on this subject, but when I think about the Prime Minister taking the position she did and talking about bringing the country back together, I think how far we are from that. Those who wanted to leave talked about giving the British people control—taking back control. Why, then, are we producing a Bill that will, effectively, give that control to the Government of the day, to make decisions behind closed doors, and not to this Parliament, which represents the democratic will of the people? If the Government are genuine about bringing the country back together, surely they allow serious time for reflection, debate and serious amendments to a Bill of this magnitude. Surely they should also come to this House with a degree of humility, having recognised that their proposition at the general election failed spectacularly, and that the context today is very different from the context three or four months ago. None of that has happened.

Then we look at the beginning of the negotiations. We hear a lot about the bill the EU is asking us to pay, but I have to say to those who campaigned to leave, and who are adamant that we should leave, that we are taking 12% of the EU budget out by exiting. We are asking others to pick up that bill. Of course there is a serious bill to pay, and of course it will take months to negotiate it.

We have heard so much from the Secretaries of State for Brexit and for International Trade about how easy this will be. When they go to negotiate with Donald Trump, who is one of the most protectionist Presidents the United States has seen, he will surely want access to our pharmaceuticals and will demand access to our

agriculture. It will not be easy; it will take months and years to reach that trade deal. As for those who spend so much time on free movement of people and immigration, when we go to negotiate with the Indians, will they not demand visas for people to come to this country?

I worry, as I am sure hon. Members will understand, about what we have unleashed in this country, about the increase in race hate, and about the nastiness that surrounds this debate. No party is the font of all ideas, but I worry hugely about how the Conservative party has moved to the right to pick up ground ceded by the UK Independence party—*[Interruption.]* I do. We are in times in which the Anglo-American world is looking inward, in which we are moving back from human rights and in which we are waving goodbye to battles that we fought in decades gone by. This is not the time for this House to spend months and years wrangling about exiting a European Union that has given us so much.

For all those reasons, with very little to be gained—and when the articulation of what is to be gained has been so poor in the past four months—how could we possibly be about to set off on this path? In a constituency such as mine, where people are struggling to make ends meet and the economy is very fragile, as sure as night follows day, as we exit a customs union that the British Retail Consortium—

Anna Soubry (Broxtowe) (Con): Will the right hon. Gentleman give way?

Mr Lammy: I will.

Anna Soubry: I share the right hon. Gentleman's concerns. I share his views, and would have campaigned with him to remain, but the simple truth is that the majority of those who voted—52%—voted to leave the European Union. On that basis, we must begin the process of doing so and must see it through, even if he and I do not agree with it.

Mr Lammy: I hesitate, because the right hon. Lady and I have agreed on much, particularly free movement. Her bark has been loud, particularly on the “Today” programme, but her actions in the days that followed those contributions have been far less loud.

Anna Soubry: Would the right hon. Gentleman like to take that back? Things such as getting a White Paper, which my right hon. Friend the Prime Minister said she would not give—that is what people like me achieve. The real opposition to much of this comes from those on the Government Benches, not on his.

Mr Lammy: I am not sure that the right hon. Lady really wants me to respond.

The point is whether we can get beyond the partisan. I represent a constituency where many people are struggling. Our economy is likely to take a real hit as a result of this move. Trade deals are an aberration and are some years in the future. If we exit under World Trade Organisation rules, we are in for huge rises in tariffs, consumer prices and, potentially, inflation. For that reason alone, in the best interests of my constituents and many people across the country who do not have the privileges of most people in this House, I shall absolutely vote against the Bill.

When we talk about the will of the people, let us remember the 48% who voted against this. Let us think about what they deserve: a Bill that does not grab powers from them; a Bill through which we have ample time to discuss all these issues; and a Department that actually understands the position of the 27 European countries, and faces up to the fact that we are going to have to pay. They do not want to be told that this is going to be easy—that the whole of the European Union cannot wait to do a deal with us. That is not what they recognise. For that reason, it is important that this House does not let this Bill go forward.

5.25 pm

Craig Mackinlay (South Thanet) (Con): I shall raise just one issue in the short time available: the living marine resource that under international law is bestowed on the United Kingdom.

The great repeal Bill has changed its name to the European Union (Withdrawal) Bill, the second half of which, which brings virtually all the EU's *acquis* into domestic legislation, causes me a few concerns. The reason for most of that is completely understandable. It is entirely necessary, because when the termination date of article 50 of the treaty on European Union is reached and EU treaties cease to apply in this country, along with the EU regulations that take their authority from the EU treaties, vast swathes of domestic legislation will simply disappear. Bringing the *acquis* across will fill that void, which can be sorted out at a later date.

The method by which that will be sorted out has caused a great deal of debate in this House. In my opinion, the method that has been proposed is entirely necessary and desirable. I support it completely for legislation that is applicable only to the United Kingdom, but when dealing with legislation that involves relationships outside the United Kingdom, such as the common fisheries policy, I have a few concerns, because the body of legislation—the *acquis*—that is the CFP is made up almost entirely of regulations. The only way we can achieve compatibility is through a legally binding withdrawal agreement, and that in itself brings some problems. First, at this stage, we do not know what that agreement will contain. Indeed, we do not even know if we will be getting an agreement at all, such has been the appalling behaviour, sadly, of our EU partners.

Secondly, taking the common fisheries policy as an example, article 50 takes us out cleanly, so there is no possibility of future legal challenges that we would have to try to avoid. Regulation 1380/2013, which will be brought across by the Bill, will re-establish the common fisheries policy in all but name, possibly paving the way for a legal challenge, perhaps via the Vienna convention on international treaties, through the withdrawal agreement. The evidence of that is the *acquis* that we have accepted and transposed into UK law, thereby creating a continuation of rights thereon.

I would like to see the proposed fisheries Bill, which is due before us at some stage, and which could solve the problem. We have no idea what that Bill will contain. Will it continue to give away the nation's wealth that is its fish? Will it continue the disastrous CFP policy of quota allocation, which puts the resource in the hands of a few, and is the cause of the completely immoral

[Craig Mackinlay]

discarding of prime fish that we have seen all these years? We simply do not know. Why are we going down this tortuous route when the easiest route would be to exempt the entire fisheries acquis from the withdrawal Bill, and produce a fisheries Bill, coming into force on 30 March 2019, that confirmed what international law bestows on this nation? That is not unusual, because the withdrawal Bill already exempts parts of the charter of fundamental rights.

Fishing is the area in which the British people demand a clean Brexit, and I think they will accept nothing less. Fishing must not be used as part of a trade-off, and availability must not form part of a deal elsewhere. Control of our exclusive economic zone extending to 200 nautical miles or the median line will regenerate our coastal communities, but if we follow current fisheries policy, we will certainly fail to do that. It is quite odd that we commit vast amounts of cash to communities such as mine in Ramsgate, Broadstairs and parts of Margate through the coastal communities fund—I am thankful that we do—but we seem to have no clear commitment to the one thing that could provide great rejuvenation for our coastal communities, which are recognised as having lower rates of employment, and which are in need of restructuring and infrastructure.

On this subject, the electorate are very wary of shenanigans. We cannot afford to create failure, and it is our responsibility to make this a success. I am happy to trust the Government by supporting Second Reading tonight, but I would very much like to hear more about their proposals for restoring one of this nation's finest treasures—our very positive fishing grounds, which have the potential to benefit our communities and should never have been taken away.

Richard Graham (Gloucester) (Con): My hon. Friend is absolutely right to have rejected the proposition of the right hon. Member for Tottenham (Mr Lammy) that we should carry on fighting on arguments that were decided in this House some time ago, and is right to want to get on with making arrangements for the future. Does he agree, however, that elements in clauses 7, 8 and 9 need looking at in more detail, particularly when it comes to the use of statutory instruments?

Craig Mackinlay: I agree with my hon. Friend entirely, but today is not the day for those arguments. Arguments about technical matters—how things will be changed in the House, and whether that will be done using statutory instruments and the exercise of ministerial powers—are for Committee and subsequent stages of the Bill. The broad thrust of my argument on Second Reading is that this Bill is the only means by which we can deliver the result of last year's historic referendum, which was delivered by 52% of people. I know that some in this House would rather we ignored the voice of those people, but we do so at our peril.

The whole issue of our fishing policy encompasses a lot of what was wrong with our membership of the European Union, which would not listen to us. The Bill represents a great opportunity for our coastal communities. I intend to deliver a good fishing policy for our under-10 metre fleet, which is particularly prevalent in Ramsgate, so I will support this Bill tonight.

5.32 pm

Albert Owen (Ynys Môn) (Lab): The Bill has been described as “not fit for purpose”, and as a “monstrosity of a Bill”. I agree with both those descriptions, and that is one of the reasons why I will not support it on Second Reading. I believe that it undermines this sovereign Parliament—and, indeed, other Parliaments and devolved Assemblies in the United Kingdom.

I respect the result of the EU referendum. My constituency voted narrowly to leave—very narrowly, by some 700 votes—so I understand both sides of the argument. My constituency mirrored the UK and Wales in voting to leave. In the EU referendum campaign, I said that I would vote for article 50, and I did so, because I accepted and respected the referendum. In the general election campaign of 2017, I said I would support a “sensible Brexit”, and I will, but not by bypassing Parliament.

I told the electorate that I would respect the devolution settlement in our country, and I will. The Bill will be enacted to replace the European Communities Act 1972. A lot has happened since 1972, not least the setting up of devolved Administrations by referendums and by Acts of this sovereign Parliament. When we talk about the legislators taking back control, we mean just that—legislators, in the plural. The competence of those Assemblies and of Parliament needs to be protected, and the Bill does not do that. It talks about consultation and discussion, but it does not talk about respecting the devolved Administrations.

Although I am unhappy with the replies I have received from the Government about the Irish border issue and the Irish dimension, and how that will have an impact on Welsh ports, as well as about Euratom—I led a debate on it, and we will need an associate or alternative membership with our colleagues on it—it is not for those reasons that I will vote against the Bill tonight, but because the Bill undermines parliamentary democracy. I will take no lectures from the Secretary of State for Exiting the European Union or the Government on delays, a cliff edge or creating chaos, because as colleagues have said, they have already done that. They spent months—months—denying the referendum result, and trying through the courts to prevent this House from enacting article 50, which was a costly process. They spent months this year having a general election, which cost millions of pounds and delayed this process by many months. This PM went to the country and said she wanted to increase her majority to increase her mandate. She did not achieve that: she lost her mandate, and she lost the moral authority to carry on as normal.

Mr Jim Cunningham (Coventry South) (Lab): Does my hon. Friend not agree that the Prime Minister, having been denied the mandate for the hard Brexit that she wanted, is using the Bill as another method of achieving that objective?

Albert Owen: Yes, I agree. As I have said, the Prime Minister just thinks it is business as usual, but she is now leading a minority in the House. In her words, she wanted to increase her majority to increase her mandate, but she does not have the moral authority or, indeed, the numbers in the House of Commons. It shows the Government's arrogance that she now wants to rip up the result of the general election and ignore the will of the people who have taken away the Tory majority.

The other item I want to raise is the timetable—the programme motion—because I do not think that eight days are enough to debate the issues properly; when we have very complicated hybrid Bills in the House, we are given far longer to scrutinise them, so it is wrong. I think, tomorrow, the Government want actually to rig the Committees. Transferring powers from the European Union to the hands of those involved in delegated legislation is a very dangerous step for us to take: the Government are grabbing powers and putting them into the hands of Ministers. As I have said, they are not respecting the devolved Administrations, which were set up following referendums and have been given powers by the House of Commons.

The Opposition's reasoned amendment is sensible. It amounts to what I would describe as a sensible Brexit. For instance, it respects the charter of fundamental rights, which we would put into UK law, and we would propose sensible transition arrangements. Again, the Government are now talking about a cliff edge and a timetable, but if we had sensible transition arrangements—this is mentioned in the reasoned amendment—that would be avoided. For those reasons, I will support the amendment tonight.

The will of the people in the 2017 election must be respected, and the will of the devolved Administrations must also be respected. It is time for this Government to go back to the drawing board. For those reasons, I will vote against the Second Reading. I do not think that the Bill can be amended to the satisfaction of many Government Members in Committee, and they know it. It is time for this House of Commons and this sovereign Parliament to stand up and be counted on behalf of the people who sent us here.

5.38 pm

Conor Burns (Bournemouth West) (Con): We are here today debating this Bill as a direct consequence of the free vote of the British people in the referendum last year, when they gave us their explicit instruction that we were to withdraw the United Kingdom from the European Union. There was an extraordinary article in *The Mail on Sunday* yesterday by a Member of the other place, who said the Government were rushing this decision because they were afraid that the people would get their hands on the decision, but it is because the people did get their hands on the decision and decided to leave that we are here today.

Many of us who campaigned in the referendum to leave did not do so out of any sense of flippancy. I came to the conclusion over a long period. I came to it disappointed, after decades of listening to successive Governments and Prime Ministers talking about how we were going to reform the European Union from the inside, with subsidiarity and all the rest of it. That body gradually acquired all the attributes of statehood and citizenship: a flag, an anthem, a currency, a Parliament and a supreme court. For me, it became the antithesis of what an independent nation state was all about. Those of us who campaigned to leave were clear in our objectives: we wanted to make our own laws in this country; we wanted to sign our own trade deals; and we wanted to end the massive payments to the European Union and decide our own immigration policy.

That is what the Bill sets us on the road to do. Clause 1 makes it clear that the European Communities Act will cease to apply on the day we leave the European Union, and it provides that, the day after exit, the House and

our courts will be supreme in making the decisions that affect us in this country. It is the mechanism to transpose the body of law under which we live, much of which emanated from the European Union over a period of almost 45 years, into United Kingdom law. It rightly makes little mention of some of the fundamental things that affect us as a country. Correctly and properly, the Government have committed to introduce legislation on the Floor of the House on some of the big matters. Bills that will be put before Parliament include a customs Bill, a trade Bill, an immigration Bill, a fisheries Bill, an agriculture Bill, a nuclear safeguards Bill, and an international sanctions Bill, all of which were announced in the Gracious Speech after the general election this year.

The Bill also puts specific limits on the powers that are laid down. The Government cannot make regulations to impose or increase taxation; to make retrospective provisions; to create relevant criminal offences; or to make regulations to implement the withdrawal agreement. Crucially, there is a sunset clause, so that two years after we leave the European Union the measure will cease to apply. I will be 45 in two weeks' time. Her Majesty gave Royal Assent to the European Union Communities Act 1972 just a month after I was born. Although I gained political awareness reasonably early, I have not been politically aware throughout that entire period of nearly 45 years. I do not recall, in the period in which I was politically aware, great complaints emanating from every part of the House about the constant stream of legislation from the European Union that was implemented unscrutinised and which we had to obey.

The Government are putting that sunset clause in place. I am sorry that the right hon. Member for Wolverhampton South East (Mr McFadden) said that there was confusion among Government Members, and a difference of opinion about our policy on leaving the European Union. He could easily, and perhaps more effectively, direct that at his own Front-Bench team. The shadow Home Secretary supports free movement. The Leader of the Opposition and the shadow Secretary of State for Exiting the European Union say that it must end. The deputy leader of the Labour party says that we would stay in the single market forever. The shadow Chancellor says that we should leave the single market to respect the referendum. The shadow Secretary of State for International Trade has said that staying in the customs union would be a disaster; the shadow Secretary of State for Exiting the European Union supports the UK staying in a customs union; while the deputy leader of the Labour party says that we could stay in the customs union indefinitely. One could be forgiven for thinking that Opposition Front-Bench spokespeople are getting their inspiration from Heinz, with 57 varieties of Brexit on offer. While the Government have introduced a sunset clause in the Bill to make sure that its provisions cannot last for more two years, Labour policy on Brexit can barely last two days. If it lasts two weeks it appears to be a long-term policy indeed.

Before the general election, the House voted overwhelmingly in favour of the European Union (Notification of Withdrawal) Bill. Tonight, it should do the same on Second Reading of the European Union (Withdrawal) Bill. In the words of one of my more succinct correspondents, who wrote to me yesterday and urged me to tell the House:

“For goodness' sake just get on with it”.

5.44 pm

Chris Bryant (Rhondda) (Lab): This Bill is utterly pernicious. It is dangerous, it is fundamentally un-British and it has at its heart a lie. It pretends to bring back power to this country, but it actually represents the biggest peacetime power grab by the Executive over the legislature, by the Government over Parliament, in 100 years. It allows the Government to drive through changes to any law by the simple fiat of a Minister. That includes the powers of the House of Lords, the date of the next general election, the composition of the House of Commons and the number of Ministers. In the most extreme instance of all, it allows Ministers to alter the very Bill itself. That is a dangerous spiral of autocracy. Some Members seem to think it is a compliment to refer to them as Henry VIII powers. I know that Henry VIII, in 1536, legislated to allow two MPs to come here from Calais, but on the whole the Tudor exercise was not a proud demonstration of democracy. These are clauses of which Erdoğan, Maduro and Putin would be proud.

Sir Oliver Letwin: I am very grateful to the hon. Gentleman for giving way and I am sorry to interrupt his flow of eloquence. Is he conscious of schedule 7, in particular part 2, and especially paragraph 6, subparagraph 2, sub-sub-section (g), in which it is made perfectly clear that it is only by affirmative resolution, and not the fiat of Ministers, that amendments to Acts can be made?

Chris Bryant: I am perfectly aware of all the measures in schedule 7, but I merely point out to the right hon. Gentleman that, since the Bill itself can be changed by the Government, that is one of the elements the Government can change. What happens, even under the affirmative process—this is the problem with secondary legislation—is that, because there is no opportunity to amend, the Government will say, “Take it or leave it”. They will then suddenly say, “There is a real emergency and you’ve got to take it, because otherwise there will be chaos.” That is the sword of Damocles that Governments always hold over Parliament when a clause hands matters over to secondary legislation.

Sir Oliver Letwin: I am doubly grateful to the hon. Gentleman for giving way. Will he withdraw his remark that it is by ministerial fiat, and resort instead to the argument that the drafting would enable the Government to exert some pressure on Parliament, which presumably he and his colleagues would resist?

Chris Bryant: No, I am not withdrawing it. The Bill, at several points, makes it quite clear that the Government will hold powers to bring in regulations under secondary legislation through the negative process. The whole point about the negative process is that the statutory instrument comes into law unless it has been annulled, and the only process by which it can be annulled is if the Government themselves allow time for us to debate the matter and to have a vote. I would be happy to trust the Government if in recent years—I do not know why the Under-Secretary of State for Exiting the European Union, the hon. Member for Wycombe (Mr Baker) is looking up at that point; he never used to trust the Government until he became a Minister—they had been happy, since 2010 or 2015, to honour the traditional

doctrine of the House, which is that if the Leader of the Opposition demands a vote and a debate in this Chamber there will be one. They have, however, consistently refused to do that. Enormous changes to our law, affecting student nurses and every student in the land, and affecting benefits for all our constituents, have been driven through via secondary legislation. It should never have been used for such measures, without us ever being able to insist on having a debate or a vote. The worst of it, to which I have already referred, is that when we do have a debate, the Government get to decide whether it should be in Committee or on the Floor of the House. If it is in Committee, all we get is a motion stating whether or not we have debated the matter in hand.

Sir Oliver Letwin *rose*—

Chris Bryant: I am not giving way to the right hon. Gentleman again. I am sure he will manage to catch your eye, Mr Speaker.

It is not as if the Government do not accept that they will have to introduce hundreds and hundreds of statutory instruments. What they should have done, before introducing the Bill, was suggest an alternative way of dealing with this process over the next two years, so that there can be proper triaging of genuinely technical and minor consequential amendments to legislation that need to happen, and significant measures where the whole House would want to take a view.

Since 1950, Parliament has rejected only 11 statutory instruments, so we know that this is an autocratic process, but let me get to a much bigger worry for me: clause 9. I am sure that hon. Members have read it. It states very clearly:

“Regulations under this section may make any provision that could be made by an Act of Parliament (including modifying this Act).”

When I said last week in the House that this was truly exceptional, all sorts of Government Members, including Ministers, came up to me and said, “Oh no, there are hundreds of examples. I’ll give you examples by the weekend.” The first example I was given was the Scotland Act 1998, but it does not apply. Section 113(6)—I am sure the right hon. Member for West Dorset (Sir Oliver Letwin) will know this subsection—states:

“But a power to modify enactments does not...extend to making modifications of this Act or subordinate legislation under it.”

In other words, the Minister who told me that had missed out the word “not”, rather conveniently.

Then the hon. Member for Stone (Sir William Cash) came up to me and said, “No, you’re completely and utterly wrong. The greatest constitutional expert in this country”—I think he might have meant himself—“tells me that section 75 of the Freedom of Information Act 2000 gives the Government the right to change the Act itself by statutory instrument”. Unfortunately, he was wrong as well. It actually states:

“If...it appears to the Secretary of State...that...the enactment is capable of preventing the disclosure of information”—

in other words, gives the Government too much power to prevent disclosure—

“he may by order repeal or amend the enactment for the purpose of removing or relaxing the prohibition.”

It is a measure that gives the Government not more but less power. Even the Civil Contingencies Act 2004, which applies to circumstances when by universal accord—probably—the Government would need emergency powers, and which builds on previous Acts of Parliament, states categorically, in section 23(5):

“Emergency regulations may not amend...this Part of this Act”—in other words, all the major elements of the Act.

If hon. Members who are trying to cover their tracks by saying, “We think all this secondary legislation business is terribly worrying, and obviously we’ll change that in Committee”, really care about those matters, they should consider the Government’s track record. What have they done recently? They engaged in what I would call jiggery-pokery with the DUP to ensure a majority—and let us hope we have a vote on Estimates Day on the £1 billion for the DUP; they delayed setting up Select Committees until now to make it impossible for us to scrutinise many of the measures going through during the summer months; and tomorrow, they are trying to make sure that, for the first time in our history, a Government without a majority in the House have a majority on every single Committee. If that does not make one question the bona fides of this Government, nothing will, and that is why I say to hon. Members: do not sell your birthright for a mess of pottage; vote against this Bill!

5.53 pm

David T. C. Davies (Monmouth) (Con): Twenty years ago, almost to the day, I was involved in another bitterly fought referendum campaign in which both sides accused the other of exaggerations and even outright lies. The result was extremely finely balanced, our nation was divided and many were of the opinion that the Government of the day had absolutely no right to proceed with such a profound constitutional change on the basis of a tiny majority. I refer not to the EU but to the Welsh devolution referendum.

There the similarities end. The day after the Welsh Assembly referendum, I did not see BBC reporters trawling the streets of Cardiff or Swansea for anecdotes about people who had allegedly voted one way and then changed their minds—I can well remember in fact that BBC reporters from Wales could hardly contain their delight—and we did not see business representative groups and trade unions whipping up fears about the future of the economy; instead, they embraced the opportunities. Those of us who had been actively involved in the campaign against the Welsh Assembly realised that, whatever we thought of the result, the people had spoken. Even though it was a narrow margin—much narrower than in the EU referendum—and on a much smaller turnout, we did not try to stop the process. We did not try to take the Government to court. In fact, we got involved in the shaping of Welsh Assembly standing orders through a body called the National Assembly Advisory Group.

The First Minister of Wales and some of his colleagues in Parliament would do well to remember that. He and others have been complaining about a power grab and making accusations about undermining the Assembly—

Peter Grant (Glenrothes) (SNP): Will the hon. Gentleman give way?

David T. C. Davies: I will give way in a moment. I am coming to something the SNP said earlier.

The only powers being grabbed are those being grabbed from Brussels and taken back to London. There is absolutely no grabbing of powers from Cardiff. Earlier, my hon. Friend the Member for Stirling (Stephen Kerr) asked the hon. Member for North East Fife (Stephen Gethins) whether he could name a single power being taken from Edinburgh, and he could not name any.

Peter Grant rose—

David T. C. Davies: I am happy to give way to his colleague to see if he can come up with a few.

Peter Grant: The hon. Gentleman is keen to draw parallels between the EU referendum and that which established the Welsh Assembly. The result of the EU referendum casts great doubt over the continuing human rights of 3 million people living in these islands. Can he name a single person whose human rights were threatened as a result of the Welsh referendum 20 years ago today?

David T. C. Davies: It was about the same number of EU nationals whose human rights are being threatened by the latest referendum. One of those 3 million is my wife. Not a single Government Member has ever suggested stripping EU nationals of their rights. We are totally opposed to that idea. I am happy once again to say on behalf of all my colleagues that none of us wants to do anything to take away the human rights of the hard-working, law-abiding EU citizens in this country. We welcome them as much today as we always have.

We are not taking powers away from Cardiff, Edinburgh or anywhere else. In fact, over the last few years, Conservative MPs have voted several times to give significant extra powers to the Welsh Assembly—and, I believe, to the Scottish Parliament. To be honest, if I am going to criticise my own colleagues, I would criticise the number of extra powers we have given to the Welsh Assembly and will do again. I probably will not be quite as enthusiastic about that, but there we are. The Bill will actually strengthen devolution. It will mean more powers for the Welsh Assembly in the not-too-distant future, and it will be much easier to transfer powers from the Westminster Parliament back down the M4 than it would be if those powers stayed in Brussels. Let us be frank about that. If those powers were to stay in Brussels, they would not come to the Welsh Assembly at all.

It is time for Opposition Members to do what those of us who opposed the Welsh Assembly did 20 years and recognise that it is the will of the people, including in Wales, which voted for devolution and to leave the EU. It voted mainly for Conservative and Labour MPs in the last election who stood on a manifesto commitment to respect the referendum decision and bring Britain out of the EU. The people having made their voices heard over and over again, it would be an outrage if we did what Commissioners in Brussels have done many times in the past few years and went against the stated will of the people. The Bill represents a great day for democracy in Britain, including in Wales, and I look forward to joining my colleagues in the Lobby to support it tonight.

5.58 pm

Caroline Lucas (Brighton, Pavilion) (Green): In view of the limited time, I will focus on just three aspects of this deeply dangerous and undemocratic Bill. First, I wish

[Caroline Lucas]

to add my voice to the many on both sides of the House expressing enormous concern about how the Bill allows the Government an unprecedented power grab. I congratulate the hon. Member for Rhondda (Chris Bryant) on his masterclass about how this undermines our sovereignty and represents a wholesale shift of power from elected representatives in Parliament to Ministers and civil servants acting without the encumbrance of accountability or democratic scrutiny.

Regardless of one's views about Brexit, the Bill is a constitutional outrage. The rank hypocrisy that these proposals to undermine parliamentary sovereignty are being led by precisely those Members who sold the leave argument last year on the supposedly noble ideal of restoring exactly that sovereignty is breathtaking, even by the standards of Government Members. That is why measures to circumscribe those powers are so vital, including measures based on proposals, such as those of the Hansard Society, to establish a sift and scrutiny system for delegated legislation in general. The current processes are already manifestly failing.

Secondly, I want to highlight concerns about the Bill's impact on environmental protection, and, in particular, about the governance gap—the Bill's failure to provide for the proper enforcement of environmental laws and standards post-Brexit. So far, there has been no evidence that Ministers recognise the scale of the challenge. Research conducted by the House of Commons has identified more than 1,100 pieces of EU environmental legislation that are the responsibility of the Department for Environment, Food and Rural Affairs, yet the issue did not appear in the Prime Minister's Lancaster House speech, has not appeared in the Secretary of State's statements so far, and certainly does not appear in the Bill.

Cutting and pasting laws from the EU's statute book into the UK's is simply not enough, because laws are only as effective as the mechanisms that implement and enforce them in practice. In the absence of mechanisms to replace the monitoring and enforcement roles of the European Commission and the European Court of Justice, we will effectively be left with zombie legislation—it may be on the statute book, but it will not be enforceable. There needs to be positive action to create a new Government system including proper implementation, compliance and enforcement. When the Government argue that judicial review can adequately provide the sole mechanism for civil society to challenge the application of environmental law, it shows how little they understand the limitations of JR. It is far too limited in scope and remit, and in terms of access, remedies and sanctions.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Will the hon. Lady give way?

Caroline Lucas: I will keep on for a little bit longer.

We need to transfer explicitly into UK law the key general environmental principles that are enshrined in the EU treaties: the precautionary principle, for example, and the "polluter pays" principle. A further regrettable omission from the Bill relates to animal welfare. The protocol on animal sentience which is so vital to our animal legislation was incorporated into article 13 of the Lisbon treaty, but the text of that treaty is not itself

covered by the Bill, so the wording of that article is not replicated. I intend to table amendments on that issue.

Thirdly, and more substantively, I am deeply concerned that schedule 8 effectively ends the UK's membership of the single market and the customs union. That is yet another masochistic red line from Ministers who are intent on leaving the EU whatever the cost to the UK's economy, and regardless of the damage to the country's long-term prosperity. Analysis indicates that leaving the customs union would result in a £25 billion-a-year hit to the UK economy and a Brexit bureaucracy bombshell for UK firms. So much for Brexit's leading to a bonfire of red tape.

Ministers seem to think that they can just conjure up, in a few months, a customs union that is not "the" customs union, but which will deliver exactly the same benefits as those that we have now, and all that without paying for membership of the EU. I look forward to seeing how they plan to achieve that amazing feat, as I am sure that quite a few of my constituents would like to enjoy the benefits of institutions in Brighton without having to bother to pay the membership fee.

Far from transferring all EU law into UK law, the Bill fails to preserve the right to freedom of movement. Let me be very clear: my party's policy on freedom of movement is unequivocal—we believe that it not only benefits our economy but, crucially, benefits our communities as well. Being able to work, study, live and love in 27 other member states is a precious gift. It is one that we should be extending to an increasing number of our own young people, not shrinking—not closing down their horizons; not denying. I also believe that we should say loudly and proudly that we celebrate the contribution of EU nationals who come to make a life here: they enrich our society.

I believe that, as people become increasingly aware of the human and financial costs of Brexit over the coming months—those costs were never made clear during the referendum campaign—they should have the right and the opportunity to change their minds, if they choose. When people take out phone contracts, for heaven's sake, they have a chance to look again and to revisit their decisions. Why would we deny them that possibility when it comes to the biggest decision that this country has made in generations? That is why my party is committed to the proposal of a ratification referendum: a chance for people to judge the final deal that comes back from Brussels in the light of all that we are learning now about the costs of leaving, which were never apparent during the referendum campaign.

People who voted leave did not vote for falling wages, lower living standards and rising inflation. I do not believe that they voted to trash environmental protection, to create massive staff shortages in our hospitals and care homes, or to see food rotting in the fields because of the lack of workers to cultivate it. I do not believe that they voted to slam the door shut on our centuries-old tradition of proudly welcoming people from overseas. The very real consequences of Brexit were never spelt out in what was surely the most mendacious, toxic and cynical referendum campaign that we have ever seen, and that is why I shall vote against the Bill's Second Reading.

6.4 pm

Mr Robert Syms (Poole) (Con): The House voted six to one, with its eyes wide open, for a referendum. Implicit in that result was the determination that the British people would decide what their destiny was to be, and they did so, clearly, in June last year. The House accepted that decision when we triggered article 50. What we are discussing today is giving the Government the means to deal with what I believe to be the most complex legislation with which any Government have had to deal for generations.

The Government are very sensibly trying to put all EU law into British law so that the day after we leave there will not be chaos, there will not be lawyers running around suing various people, and we will have legal certainty. If this were a really vicious, horrible, right-wing Government, they would be going through the lot deciding what they were going to get rid of, but they are not doing that. They are putting legislation on workers' rights, welfare, the environment and a range of other issues into UK law so that future Governments—probably not this Government—can decide at their leisure what they will keep, what they will improve, and what they will change in the traditional British way: by producing a Green Paper and a White Paper, and presenting legislation to the House. Future Governments will have more scope for policy change and adjustments than any since the 1970s. We are gifting to future Parliaments, whoever will control them, the ability to control the destiny of our nation.

This is all that we are trying to do in the third part of the Bill. We know that, inevitably, there will be holes in the legislation. We will try to dam them up so that the legislation works and the legal system has certainty. There is nothing wicked about that; it is actually very sensible. Anyone who talks to most business people, local authorities and individuals will find that what they want is for change—if there is to be change—to be gradual and managed change, not chaos.

I have been in the House long enough to know that when legal cases arise and events occur, Governments sometimes come up with rushed legislation to fill a gap. They do so in a day, sometimes with manuscript amendments. We know that when we leave the EU at the end of March 2019, there will be holes in legislation that will need to be plugged, either before we leave or just afterwards. That is extraordinary, and I think it is a one-off, but I also think it is necessary. There may well be nuances in what we can do with the legislation. Statutory instruments themselves are not ideal. One of the reasons why many cannot be amended is that they often deal with European directives that cannot themselves be amended.

Perhaps, in the course of the eight-day Committee stage on the Floor of the House, there will be means of improving parliamentary scrutiny. When I look at the Secretary of State and other Ministers, I get the feeling that they are in listening mode. If someone comes up with a perfectly sensible suggestion for dealing with what will be a terrible problem, they will adopt it. If that means our not having an Easter holiday next year or the year after next, and spending more hours dealing with legislation, that will have to be the way. My suspicion is that more of the legislation will end up on the Floor of the House than people expect. Much will be small and much will be technical, but I am entirely sure that

when there are principles and when there are concerns, the Government will want to air them, because that is how our Parliament works, and I think that it does so with the best of intentions.

If there is a rush, it is because the article 50 process involves a timetable, and that timetable was determined by Tony Blair when he negotiated the Lisbon treaty. Incidentally, according to the 2005 Labour party manifesto, the treaty was to be put to the people in a referendum, which was reneged on by the then Government. At the moment we are trying to deal with legislation that was pushed through by Tony Blair, in order to carry out the will of the British people.

We have heard today about an unprecedented “biggest power grab in 100 years”. Well, I am old enough to have been in the House when the Blair Government introduced programming. I agree that it has pluses and minuses, but what it did was to transfer power from the Opposition to the Government, and that has been a very substantial change over the past 20 years. The reality is that the Government are doing their best to secure a sensible, measured movement out of the EU, and to allow future Governments, at their leisure, to legislate for change, if that is what they wish to do. There is going to be great opportunity for this House, although probably not in this Parliament. In the future, it will be able to deal with a much wider range of policy.

I do not hold that there is anything evil or pernicious about what the Government are trying to do. They have been given a problem by the British people, and they have to try and solve it. Members might well improve the procedure for achieving that over the eight days in Committee, but the Government's objectives are to carry out the will of the people and ensure that we have a steady, careful transition so that, the day after we leave the EU, people do not notice any difference, and Members of Parliament will be the people who make a difference.

6.10 pm

Richard Burden (Birmingham, Northfield) (Lab): The majority of my constituents who voted in the referendum voted to leave the European Union. Out of respect for them, I also voted to trigger article 50 earlier this year, but neither the people of Birmingham, Northfield, nor those anywhere else in this country, were ever asked about, or voted for, the kind of ministerial power grab that the contents of the Bill represent.

On Thursday, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), together with the right hon. and learned Member for Beaconsfield (Mr Grieve) and many others, forensically and cogently outlined why the powers Ministers are seeking to take, particularly in clauses 7, 9 and 17, are so widely drawn that they have left what the right hon. and learned Gentleman memorably described as “an astonishing monstrosity” of a Bill. Like them, I do not believe it is acceptable for Ministers to have the power to sweep away protections for employees and the environment or laws to guarantee equality by statutory instrument, or, indeed, for them to vary the enforcement mechanisms for those laws by statutory instrument, simply by asserting that they are doing so to rectify what they perceive to be deficiencies not only in EU laws that are transposed into UK law, but even in UK laws themselves that they say are somehow linked to the EU.

[Richard Burden]

This Bill goes so far as to give Ministers the power to amend primary legislation by statutory instrument, and even the power to extend the provisions of the very measure—this Bill—that gives them that power in the first place. Professor Mark Elliott, professor of public law at the University of Cambridge, has rightly described this as delegated legislation on stilts, so I will be supporting the reasoned amendment that declines to give this Bill a Second Reading.

Of course, we need legislation to ensure that EU rights and protections are incorporated into UK law so that we avoid gaps being opened up in the spectrum of rules and regulations at the point of Brexit. There is consensus in the House about that, so why have Ministers brought forward a Bill that undermines rather than builds on that? It is not as if they have not had time to do this properly. When they published their White Paper back in March, we warned them then against using the Bill that would follow to unreasonably increase the powers of Ministers so that they could sidestep full scrutiny of their proposals by elected MPs. We warned them again at the election—our manifesto commitment to replace what at that time was being called the great repeal Bill with an EU rights and protections Bill was precisely that warning. In the past months, many bodies, ranging from the Hansard Society to the Equalities and Human Rights Commission and the Local Government Association, have warned the Government about the dangers of the Bill in its current form. The Women and Equalities Committee and many others have warned about problems with the Bill.

On Thursday, in answer to an intervention from the right hon. Member for Broxtowe (Anna Soubry), the Brexit Secretary hinted that he was prepared to talk about ideas for a triage system to give MPs and peers some kind of say over the limits of where and how delegated legislation should be used, perhaps taking up some of the ideas of the House of Lords Constitution Committee. I welcome that, but I have to say that Ministers' track record since March underlines that what we need from them is more than generalised offers to talk. We need some demonstration that they are prepared to act on what they are being told, but so far there is no indication at all that that is going to happen. Rather, the thrust of the Brexit Secretary's argument on Thursday was that there is really nothing to worry about in this Bill and that Ministers should be trusted to use the powers they are given only sparingly, and not for matters for which they are not appropriate. I am afraid that that just is not good enough. If the Government want to reassure us that the powers conferred by the Bill will not be used to do something that those powers expressly permit, it is legitimate for us to ask: why grant those powers in first place unless we can also have a say in practice over the circumstances in which they can be used? This Bill does not give Parliament that say. Until it does, I cannot support it.

6.15 pm

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): In an excellent speech on Thursday, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) referred to the fact that we are sent here on the wings of ballot papers sent in by our constituents. That is a precious right, and I agree

with her that it is one that we should observe and uphold. I was sent here with a very clear message from my constituents, who on 23 June 2016 voted decisively to leave the European Union. They did so, contrary to what the hon. Member for Brighton, Pavilion (Caroline Lucas) says, in full knowledge of what that entailed: self-government over federalism, democracy over bureaucracy, and economic liberalism over protectionism. It is important to note, of course, that the third of my voters who voted to remain have accepted the result, and now simply wish for our departure from the EU to be as smooth and orderly as possible. That is why we need this Bill. Indeed, it is not an exaggeration to say that we cannot have that without this Bill.

So let us be clear about the Bill's function. This is not a Bill about whether we stay in or leave the EU; that decision was taken by our bosses, the British people, last year. Likewise, it is not a Bill about the substance of the withdrawal agreement; that is a matter for ongoing negotiation between Ministers and Brussels. The primary purpose of the Bill is simply to provide the legal continuity and certainty on exit day that I think all of us want.

To be clear, we have to do this. The House of Commons Library states that once the European Communities Act is repealed on exit day, without the legislative measures proposed in this Bill,

“huge holes would open up within the statute book”.

The Opposition talk a good game about Henry VIII and power grabs, but the Secretary of State was crystal clear on Thursday that the Bill will not be used to make material changes, and he made welcome commitments that he will consider sensible suggestions at Committee stage, and that is the point—this will happen in Committee.

If we vote down this Bill this evening, as Opposition Members want to do, we will be torpedoing the whole principle of the Bill, not the substance of the individual suggestions in it. We will be preventing the very chance of making the amendments that people want to see. It is hard to avoid the feeling that for some Members this is less about parliamentary scrutiny and more about parliamentary sophistry—that is to say, frustrating our best chance of making a success of Brexit. That is something I passionately believe in, although I accept some do not. The point is that we are all in this together, so we need to make this work. I put it to Members who represent seats that voted heavily to leave that they should reflect, as I have, on what message we would send out if we set about obfuscating their clearly expressed will in any way.

The right hon. Member for Don Valley (Caroline Flint) made a powerful speech earlier, joining those given by the hon. Members for Blackley and Broughton (Graham Stringer) and for Vauxhall (Kate Hoey) and the right hon. Member for Birkenhead (Frank Field). They understand the nature of the mandate we have been given. This is an extraordinary, once-in-a-generation moment, and I think it crosses party lines. People on Teesside, every single constituency of which voted to leave the EU, will be astonished that I am the only Member from that region who is going to be voting tonight for what they asked for.

I want to conclude by re-emphasising the calamitous consequences of our exiting the EU without the necessary legal provisions in place. Without this Bill, we will wake on the morning of exit day to find that thousands of our laws have changed or been rendered inoperative.

The fallout from that scenario will make “cliff edge” sound euphemistic. With that in mind, voting against the Bill tonight will be interpreted by many as a vote to punish the British people for having had the audacity to vote for Brexit, for that is exactly what it will do.

6.19 pm

Seema Malhotra (Feltham and Heston) (Lab/Co-op): I am grateful for the chance to contribute to this debate. I look forward to re-joining the Exiting the European Union Committee, whose important work will finally recommence this week.

I will vote tonight for Labour’s reasoned amendment and against the Second Reading of the Bill, not to frustrate Brexit, but because I believe that Parliament and the country must not be side-lined in how we move forward. The Bill has clearly been written without thought to its implications. As it stands, it sets a precedent that our democracy, or any other, should not allow. Ministers would be able to amend primary legislation—the Bill and other Acts—without needing a debate or vote in this House. Ministers could remove rights and protections through secondary legislation without any meaningful or guaranteed parliamentary scrutiny.

Many excellent points on the scope, scrutiny, transparency and accountability of the powers in the Bill have already been made, especially by my right hon. Friend the Member for Derby South (Margaret Beckett). I want to focus the detail of my remarks on one specific issue of concern, on which I would be grateful for the Minister’s response.

Once upon a time, before the general election, there was a lot of stirring rhetoric from the Prime Minister about how no deal would be better than a bad deal. These days, we hear less public talk of no deal, but the Bill nurses one hangover from when the Prime Minister could still pretend she had a mandate for her vision of what Brexit means. We do not have to look very far to find it. It is in clause 1, which states:

“The European Communities Act 1972 is repealed on exit day.”
“Exit day” is defined as

“such day as a Minister of the Crown may by regulations appoint”.

Now stand back. What clause 1 proposes is that any Minister can decide when our membership of the EU ends.

On any day, if the Prime Minister or Foreign Secretary decided, the Executive could withdraw from talks and decide to make hard Brexit a reality by repealing the European Communities Act, without a proper debate and without a full vote of this House. Clause 1 appears to put perhaps the most important power in the Bill—the power to repeal the European Communities Act—entirely into the hands of any Minister at a time of their choosing and whether or not there is continuity of our laws at that time.

Exit day is not even defined as being, at the earliest, 29 March 2019. There appears to be no parliamentary supervision over that power. It would appear that Parliament does not need to approve the regulations. Parliament does not even get to see them in advance. Hon. Members will have their own views about the wisdom of Ministers having that power. For my own part, I find it hard to see how giving an unfettered power to any Minister—especially a Conservative Minister—is what Parliament taking back control looks like.

There is no need for Parliament to be cut out of that decision. If our talks with the EU produce a deal, it will need to be approved by the other member states and the European Parliament before the cut-off date of March 2019. So there will be ample time for Parliament to choose to accept it, and consequently for the UK to see the repeal of the 1972 Act on what most assume will be exit day—29 March 2019. But if our talks with the EU break down, it must be for Parliament and not Ministers to determine our response. Parliament may decide to repeal the 1972 Act anyway, or it may say that no deal will have calamitous consequences—crashing over the cliff is a long way from the sunlit uplands promised to the electorate.

Either way, what is important is that it is Parliament, not a Minister, who chooses how to respond. That is why Labour’s manifesto promised voters a meaningful choice. The question of what action we should take if talks break down is for Parliament to answer. The power for Ministers to exit with no deal should not be in the Bill. I will vote against a Bill containing this unfettered clause 1, and I hope for some words of reassurance from the Government on that today.

The vote tonight is not about whether we leave the European Union, it is about how we do so. For want of a better phrase, the Bill is little short of a dog’s Brexit. Parliament and the country deserve better.

6.24 pm

Dr Sarah Wollaston (Totnes) (Con): Without the Bill we cannot respect the will of the British people, as expressed in the referendum, and repeal the European Communities Act 1972. Without the Bill, as many Members have pointed out, we will see legal chaos. Given the sheer volume and complexity of the EU law that will have to be converted into UK law, I accept that the Government will need relatively wide delegated powers to amend legislation, but there is a distinction between necessary amendments as a consequence of our leaving the EU, many of which will be technical and minor, and those that implement entirely new policies.

The delegated powers in the Bill will touch every aspect of our lives, as many colleagues have said—their use could be unprecedented in scale, scope and constitutional significance—so I am glad to hear that Ministers are in listening mode. I will support the Bill tonight in the expectation that it will be amended in Committee and that there will be support for reforming the way delegated legislation is handled, so that Parliament, rather than the Government, can decide the appropriate level of scrutiny. Without that, we simply will not be able to bring control back to Parliament.

It may be useful to those who are following the debate from outside this place if I explain how delegated legislation works and why it is important that we amend it. I was first introduced to Delegated Legislation Committees when I was appointed to one dealing with draft double taxation relief and international tax enforcement orders. I thought there must have been a horrible mistake, so I sent a note to the Whip to ask about my duties. I received the following three instructions: “Turn up on time, say nothing and vote with the Government.”

People might argue that no one died as a result of my ignorance of international law on double taxation relief in Oman and Singapore, but what makes the system so absurd is that the very next Committee due to sit was a

[Dr Sarah Wollaston]

Delegated Legislation Committee examining the draft Medical Profession (Responsible Officers) Regulations 2010. It might be argued that, as someone who had just come to the House having been teaching junior doctors and medical students and having been an examiner for the Royal College of General Practitioners with an interest in doctors who were failing, I was better placed to be on the second Committee. It seems to me that there is an expectation that Members should not have any expertise at all. I think the general public would find that absolutely extraordinary; they expect Members to be able genuinely to scrutinise legislation.

There are many other reasons why the procedures should change. It is a great concern to people outside this place that many statutory instruments are subject to the negative procedure rather than the affirmative procedure and do not get any scrutiny at all—not even the current defective scrutiny. The power to change that does not necessarily need to come from legislation; we could use the Standing Orders. I commend the Hansard Society for the excellent work it did in advance of the Bill to set out how the procedures could be amended. Even though it is in our power as a House to put in place Standing Orders, for example to set up a Delegated Legislation Committee with the powers of sift and scrutiny that we have discussed today, it would help if Ministers indicated that they are in listening mode about that, too, and that they would support it happening over time.

I genuinely feel that the Government do not want to obstruct sensible debate. All Members from across the House should work with Ministers to put in place something that genuinely works. We know that delegated legislation needs reform even without this Bill, so let us use this as an opportunity. As we have heard, up to a thousand statutory instruments will be coming before the House, and we need the House to decide whether the procedure will be negative or affirmative. We need reform so that we can genuinely develop expertise along the lines suggested by the Hansard Society and so that MPs with a genuine interest scrutinise the proposals.

The point is that a delegated legislation Select Committee could have the power to send a statutory instrument to a Committee of the whole House—not just a small Delegated Legislation Committee in a Committee Room, but with all of us here, similar to what we are doing today. It could also have the power to suggest sensible amendments that the Government would have to take away and consider. I have said that I will support the Government tonight, but I do so only in the expectation that they will support sensible amendments.

6.30 pm

Wera Hobhouse (Bath) (LD): “Democracy” and “the will of the people” are terms often used and—dare I say it—abused in connection with leaving the European Union. I have been listening to this debate for many hours now, and I am puzzled by the arguments of those who support the Bill’s progress. As has already been said this afternoon, we are here to debate not whether we leave the EU but how we do it. Over the past two days of debate, it has been eloquently proven by Members from both sides of the House that what is in front of us is deeply flawed, because it threatens to write into law a

substantial loss of our parliamentary democracy and set an alarming precedent. It is therefore frustrating to be accused of undermining the will of the people if I do not support the Bill’s progress. I will not support the Bill, because it threatens a fundamental principle of British democracy—the supremacy of Parliament and the division of powers—and gives sweeping powers to Ministers and bureaucrats. The right to make laws in this country was given to Parliament after many hard-fought battles.

Richard Drax (South Dorset) (Con): Will the hon. Lady give way?

Wera Hobhouse: Will the hon. Gentleman hear me out?

The supremacy of Parliament is a proud tradition that all of us should defend. I find it perplexing that, for example, the hon. Members for North East Somerset (Mr Rees-Mogg) and for Blackley and Broughton (Graham Stringer), both of whom I know to be thinking people, are so eager to see us leave the EU that they forget everything else in its path. Democracy matters, and whoever tries to suspend democracy to enact the will of the people should think again.

The will of the people is of course a pretty mixed bag and is not fixed forever. On 23 June last year, almost 70% of my constituents voted to remain in the EU. In June this year, I was elected on the basis of my opposition to the Government’s Brexit line. That was the will of the people in my constituency at that point. True to form, Bath had one of the highest voter turnouts, and active engagement in Bath is not limited to election time; it is evident every day. Protest groups, demonstrations and lively debates are testament to how much people in Bath care about how our country is run. Another principle of democracy that they want to see practised is that I can speak on their behalf about their concerns about when and how we leave the EU without being labelled as a remoaner, a reverser, unpatriotic or undemocratic. Democracy is about the right to debate freely and voice an opinion without being labelled or bullied. If we truly want to achieve the best for our country, we need to be able to discuss all outcomes freely, including that people—leavers or remainers—can change their mind.

The Bill adds another level of madness to the Brexit process, betraying not only those who voted remain, but those who chose to leave. One of the leave campaign’s strongest arguments was about taking back control here in Westminster, but instead of giving control back to this Parliament, which the leave campaign championed, the Bill is a power grab by Ministers. One of my constituents said to me:

“When people voted to leave the European Union, they didn’t vote to swap backroom deals in Brussels for more of the same in Whitehall. They voted for Parliament and the British people to have more of a say.”

As the MP for Bath, I will fight this attack on our democracy. I will not sit idly by as this Government try to erode our rights and change our laws behind closed doors. How can anybody support this Bill? My only conclusion is that those who support it want their version of Brexit at any cost, including democracy. Come on, let us stand up for democracy and stop this flawed Bill in its tracks. I dare say that the will of the people will be right behind us.

6.35 pm

Bill Wiggin (North Herefordshire) (Con): I have been in the House since 2001 and have, I dare say, manufactured a fair amount of indignation about the legislation of previous Governments, but things are different today. I respect the Opposition's arguments—they are absolutely right to raise them, and their concerns are valid and should be considered—but we are in the middle of a negotiation and my constituents constantly ask me, "What is going to happen?" We, as a country, are being pitted against our former partners in a negotiation and if it goes wrong, that will cost us billions of pounds and deny us access to markets. This is not the time for us to be dancing on the head of a pin about the details of delegated legislation. How many delegated legislation Committees have hon. Members sat through? Members will know about the countless rubber-stamping of EU directives. I have seen it myself, and the worst one was the directive about alternative investments. The impact assessment stated that it had a bill of £8 billion, but neither Front-Bench team seemed to think it at all important. Delegated legislation has been going wrong for decades. I will accept that the Bill may not be perfect, but it is right that we pull together at a moment like this—mid-negotiation—because there will be chances to put this Bill right in Committee.

I rather agreed with the hon. Member for Bath (Wera Hobhouse) when she said that our constituents do not want to swap faceless bureaucrats in Europe for faceless bureaucrats in Whitehall, but they are not doing that; our bureaucrats have faces. We know who they are, and they are accountable to us.

Paul Farrelly (Newcastle-under-Lyme) (Lab): As a former editor, may I suggest that the Brexit Secretary sits down over the recess in a dark or light room with my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) and the right hon. and learned Members for Beaconsfield (Mr Grieve) and for Rushcliffe (Mr Clarke) to produce something that will go through the House more quickly and with more unity than this Bill?

Bill Wiggin: I rather hope that the Brexit Secretary will concentrate on negotiating our departure rather than on sitting in darkened rooms, or perhaps that is what he is doing—who knows?

Returning to the main thrust of what is going on, we need a unified, sensible piece of legislation, and we must support the Government, get the legislation through and then sort out our differences. Support for the sake of it is wrong, but it is absolutely the right thing at this particular time and at this particular stage in the legislation. It is what our constituents want and expect.

Catherine West (Hornsey and Wood Green) (Lab): The hon. Gentleman makes light of the rights of each of us, of our constituents and, indeed, of EU nationals when he says that we are dancing on the head of a pin if we do not allow the legislation to go through tonight.

Bill Wiggin: No, I do not think so. Delegated legislation is always difficult. There are so many statutory instruments to get through, but that has been true ever since I have been here. We have had countless pieces of rubber-stamping. However, I have taken great comfort from the Front-Bench team saying that there is a sunset clause and that the

spirit of the law will not be changed. I appeal to the Labour voters in North Herefordshire. They were very few in the past, but their number has grown recently. They did not manage to mention the Leader of the Opposition at any stage during the election, but they are decent, patriotic people and they want to see our country winning, not bickering among ourselves. Please support this critical piece of legislation, but if hon. Members cannot support it, please abstain.

6.39 pm

Heidi Alexander (Lewisham East) (Lab): I will be voting against the Bill tonight because it is a thoroughly bad piece of legislation. It is unprecedented in the powers it gives to Ministers, it fails to guarantee all the rights and protections currently enjoyed by individuals and businesses in the UK, and it paves the way for a Minister to sit behind a desk in Whitehall and take us out of the single market with the stroke of a pen.

On the most important issue facing this country—our continued membership of the single market—the Bill could mean no direct vote in Parliament, no say for MPs and no voice for our constituents. When we talk about a power grab, it does not get much bigger than that.

I say this to Ministers: should the Bill pass its Second Reading tonight, I will table amendments to ensure that it is Parliament, not Ministers, that determines whether we come out of the European economic area. As currently drafted, the Bill repeals the European Economic Area Act 1993, the law that incorporates the EEA agreement into British law.

The European economic area, as all hon. Members will know, contains the countries of the EU plus Norway, Iceland and Liechtenstein. The EEA is a way to stay in the single market while being outside the EU; it is a way to maintain ease of trade while being outside the jurisdiction of the ECJ. I may prefer to stay in the single market by remaining in the EU, but that horse has bolted. I am a realist, and I recognise the result of the referendum, but I will not hand over all the cards to Ministers to determine how we leave.

The repeal of the EEA Act in part 2 of schedule 8 and the provisions set out in clause 8 are likely to be used by Ministers to claim they have parliamentary authority to notify other contracting parties to the EEA agreement of the UK's intention to leave the single market. Ministers could claim the Bill authorises them to make a written withdrawal notification, in line with article 127 of the EEA agreement, despite that not being in the Bill. That is not good enough. Just as we had an Act of Parliament to trigger article 50 of the Lisbon treaty, we should have an Act of Parliament to trigger article 127 of the EEA agreement.

The EU and the EEA are two different things governed by two different agreements. Surely the withdrawal of the UK from an international agreement, not least one that could hold the key to our continued membership of the single market, should be a decision for every Member of this House. Irrespective of whether we believe the country should be out of the single market, in it for a transitional period or in it indefinitely, how can that not be a decision for this Parliament? It was not decided in the referendum last year. The words "single market" were not on the ballot paper. Anyone who claims that they were is simply interpreting the referendum's outcome.

[Heidi Alexander]

Let us not forget that when the Prime Minister put her extreme Brexit plan to the electorate this year, she could not win a majority. The idea that we allow this Bill to fudge it, and that we leave it to Ministers to decide our fate without recourse to Parliament, would be a democratic disgrace of the highest order.

Our continued membership of the single market, along with our ability to stay in the European customs union, is the most important issue for our country. It is about jobs and trade, but it is also about tackling austerity and investing in our schools and hospitals. If we crash the economy on the altar of concerns about immigration and sovereignty, our public finances will be hit and the cuts of the last seven years will pale into insignificance.

I understand Ministers' desire to create a functioning statute book, but I want a functioning economy and a functioning democracy as well. I am not prepared to cede major decisions on our country's future to the Prime Minister, her three musketeers and whoever comes after them. I am not prepared to let a hard-line Tory obsession with immigration determine our future prosperity. And I am definitely not prepared to legislate to exclude myself and, for that matter, every other Member of the House from having our say on behalf of our constituents.

6.45 pm

Derek Thomas (St Ives) (Con): I welcome the Second Reading of this Bill, and I am grateful for the opportunity to speak in this debate and to follow the hon. Member for Lewisham East (Heidi Alexander).

My constituency voted decisively to leave the European Union, and I am determined that the process of leaving the EU gives the people of west Cornwall and the Isles of Scilly the certainty, continuity and control that this Bill accomplishes. When they voted to leave the EU, the good people of west Cornwall did not expect this House to implement their decision chaotically. Instead, they voted for a smooth exit from the EU, with the ultimate goal being that Parliament would take back control of UK laws. The Bill is an important and necessary step towards that goal and will ensure that the statute book does not contain huge gaps after Brexit.

Perhaps reflecting the momentousness of the Bill, I have had a great deal of correspondence from concerned constituents who are anxious that it might side-line democracy. I understand why people are concerned. People voted to take back control, which, to be faithful to democracy, means bringing back control to a sovereign Parliament, not to Government in Whitehall.

However, there is a need to strike the right balance. People's concerns about the use of so-called Henry VIII powers are well articulated and sincere but, given the breadth and volume of European legislation that will have to be transferred into British law, I do not see any other practical solution. It is vital that businesses in my constituency, most of which are small, local enterprises, have certainty on the Brexit process and beyond. I hope the Bill will give them that certainty and foster a smooth transition back to UK control. It is important that we prevent a cliff-edge Brexit by providing continuity in our laws after exit day.

I agree that the Bill must not simply hand Ministers and their civil servants the freedom to do as they please with future legislation and reform of existing legislation. I recognise that the intent of the Bill is to make a success of Brexit, but there is a need for proper scrutiny. In their defence, Ministers have made it clear that powers taken by Government through the Bill are time-limited. I therefore look forward to the opportunity in Committee for Members on both sides of the House, including me, to hold Ministers to account.

I welcome that the Bill will, in time, restore to Parliament full responsibility for UK legislation for the first time in several decades, which is something that my constituents and the nation were in favour of when they voted to leave the EU. In the furore surrounding the unusual powers being taken by Ministers through this Bill, however, scant attention has been paid to one of its key positive objectives: greater devolution. I hope that can be swiftly rectified, as it is likely to be one of the most valuable aspects of our leaving the EU to my constituents and the people of Cornwall.

If the devolution benefits of Brexit are to be felt in my constituency, devolution needs to reach beyond just the borders of the devolved nations of Scotland, Wales and Northern Ireland. We must seize the opportunity to devolve power ever closer to the people of the UK. Greater devolution would help to build on the success of existing devolution arrangements, such as the 2015 Cornwall devolution deal. It will enable us, as a nation, to tackle issues better locally. Cornwall should no longer have to accept its low-wage economy. Our low wages harm people's ability to access the housing they need; encourage an exodus of young people, as they seek well-paid jobs elsewhere; reduce the money that people have to spend in our town centres; and hamper efforts to provide well-resourced community facilities and services.

Leading on from that, does the Minister welcome that local authorities are rising to the challenge following the referendum result? Local authorities want to address these problems. Cornwall Council, for example, set up the Cornwall futures group after the referendum to look at the opportunities and benefits our exit will bring to Cornwall and Scilly specifically. That work includes considering areas of legislation that the council would like to see passported down to Cornwall and tailored to meet local demographic and geographic demands, such as the ability to strengthen water quality on our beaches, fishing policy for our unique mixed fishery in the south-west and other environmental legislation. Getting back this control is perhaps why so many Cornish people voted to leave the EU last year.

In summary, this Bill is the only game in town if we want to achieve a smooth Brexit in March 2019 and ensure that the electorate and businesses have confidence in Great Britain's future. However, I would like to hear how and when Ministers intend to ensure we have a full parliamentary process when deciding future UK laws, and what aspirations Ministers have on devolving further powers to regions and counties such as Cornwall and the Isles of Scilly. I know my constituents would like to know what kind of legislation will be decided closer to home.

6.50 pm

Dr Roberta Blackman-Woods (City of Durham) (Lab): I, too, will vote against the Bill this evening, and I bring to bear two aspects of my experience in this House on

my assessment of the Bill as being profoundly undemocratic and something that this House should reject. In recent years, I have served on a number of Bill Committees, and every Bill has contained centralising measures that take powers away from Parliament, or from a range of agencies, and give them to the Secretary of State. This Government, like the one before, are profoundly centralising, and Parliament should be very worried about the measures in the Bill. I also had the great misfortune to serve on the Joint Committee on Statutory Instruments for five years, so I know how outrageous it is that the Government are using statutory instruments in the way they are in the Bill. The negative procedure, used a great deal in this legislation, is particularly inappropriate in terms of giving Parliament the oversight it needs over how we Brexit.

Not only does the Bill give far-reaching powers to Ministers without meaningful parliamentary scrutiny, but it allows for rights and protections to be reduced or removed through secondary legislation without any meaningful scrutiny; it fails to provide certainty that rights and protections will be enforced as effectively in the future; it provides no mechanism for ensuring that the UK does not lag behind the EU in workplace protections; and, crucially, it prevents the UK from implementing strong transitional arrangements on the same basic terms that we currently enjoy—arrangements that include remaining in the customs union and in the single market. I will say more about that in a moment or two.

From equality laws protecting women, minorities and disabled people from discrimination to workers' rights and key health and safety provisions, the rights secured through British EU membership have greatly benefited everyone in our country. We should also not forget the proactive role of the European Court of Justice in improving workers' rights in Europe, on matters ranging from decisions on equal pay for equal work to the pension rights of part-time workers. Equally, the EU's environmental protections, based on the principles of prevention and precaution, such as the incredibly successful bathing water directive and the common water framework, have had an important positive influence on our environment. They need to be protected by this House and this Parliament, and not left to the whims of Ministers.

It is also important that this House is able to have a say on whether we adopt transitional arrangements and on what they are. That is particularly important in terms of the customs union and the single market, which are vital to my constituency in the north-east. Some 60% of our exports are sold to the EU, and the north-east is the only region in England to export more goods and services than it imports. Trade with the EU has delivered more than 100,000 jobs in the region—that is approximately 8.4% of the workforce. Research by the TUC has found that there are 2,500 workers from EU countries in health and adult social care in the north-east alone, so we have great concerns about what is going to happen to that workforce post-Brexit.

It is also crucial for us to maintain continuity on services sector trade, as half of north-east services exports are traded with the EU. It is therefore not surprising that two thirds of north-east businesses wish to see a transitional period lasting for three years or

more, but this is not addressed in any way in the Bill. Sarah Glendinning, the CBI's regional director in the north-east, has said:

“Europe remains the UK's biggest export market by some distance, so it's little wonder that businesses here in the North East see maintaining access to the market of our nearest neighbours as a priority.”

Perhaps Ministers would like to say something this evening about how they will address those concerns.

The north-east also receives more EU funding per capita than most other regions; we receive more than double the national average, through the EU structural and investment funds, the European social fund and the JEREMIE—Joint European Resources for Micro to Medium Enterprises—programme, to give just a few examples. I also want to hear from Ministers what they will do, through this Bill, to ensure that the money that the north-east gets from the EU will be maintained or increased. We are debating a really important matter for the north-east; Ministers must address the concerns they are hearing from Opposition Members and bring in proper measures that are truly democratic.

6.56 pm

Richard Drax (South Dorset) (Con): This is the second day on which I have sat listening to many good speeches on this topic, but I cannot help but feel that during some of them, irony sits heavily in the air; we have heard about “scrutiny”, “democracy”, “democracy of the people” and “functioning democracy”, but where has democracy been for the past 44 years? Where has it gone over those 44 years? It has gone into the powers of a bunch of unelected Commissioners who tell us what to do.

Ian Paisley (North Antrim) (DUP): Does the hon. Gentleman agree that none of those who are criticising the points he is making have brought forward, in the years I have been in this House, a reform of the process they now so wish to cling to?

Richard Drax: I agree with my hon. Friend, and I will come to that very point.

Helen Goodman *rose*—

Richard Drax: I will not give way again, because many other Members wish to speak. However, I shall address that point later, because I served on the European Scrutiny Committee in the last Parliament.

From listening to the speeches, one would think that this country, Great Britain, was incapable of passing laws. What on earth is wrong with this great place, which we are selected to represent—our country? We are talking about one of the biggest honours: becoming an MP and representing our constituents. We used to make all the rules and regulations that our constituents lived under. Hon. Members may recall that we joined the EU for free trade, which everyone said was a jolly good idea—and it was. Unfortunately, the bureaucrats have taken over the running of that good idea, and if we can go back to that idea by leaving the EU, as I hope we can, I believe our constituents will be forever grateful.

This Bill is not a power grab, as the Opposition claim. The way they are going to vote is a smokescreen; it is a politically cynical move to destabilise this Government—that is all it is. It is an opportunity for the Leader of the

[Richard Drax]

Opposition, God forbid, to become Prime Minister of this country. What we are doing here is repatriating thousands of regulations into our jurisdiction, thousands of which have been imposed on us over the past 40 years. We can review them; that is our job—we review legislation. If we do not like it, we will get rid of it. If we have a majority, we will vote it out. If we like it, we will keep it. If we are not sure, we will amend it. What might be right for a European country—for the French or the Germans—might not be right for us.

Because of the sheer number of regulations, some will have to be delegated. Everyone is making a noise about delegated legislation, but both main parties have used delegated legislation for years—it is part of how this place works. Some Government Members have suggested some sort of triage process to assess what should be dealt with through delegated legislation and what should be taken on the Floor of the House. If I recall correctly, my right hon. Friend the Secretary of State listened to them and said that he would think about that. I am sure that those who want there to be a decision-making process for what should and should not be delegated will have a say in Committee.

The hon. Member for North Antrim (Ian Paisley) made a point about the silence that has reigned for so many years. I served on the European Scrutiny Committee under the excellent chairmanship of my hon. Friend the Member for Stone (Sir William Cash), who is sitting just in front of me. For years—for many more years than me and probably most people in this House—he has scrutinised EU legislation. In the short time for which I served on the Committee, we tried to get important issues—not least the future of our ports—debated on the Floor of the House, so that we could all listen to the sense, or lack thereof, of EU legislation and decide whether what was appropriate for Europe was appropriate for us. Those debates never happened.

Stephen Kerr: And we could not change it.

Richard Drax: As my hon. Friend says, even if those debates had happened, the legislation could not have been changed. Where were all these loud voices? Where were you all over the past 40 years? Why did you not question what was being imposed on our country and our constituents? Where were you?

Mike Amesbury (Weaver Vale) (Lab) *rose*—

Wera Hobhouse *rose*—

Richard Drax: No, I will not give way—absolutely not! I do not have time and I am enjoying myself. I am representing my constituents and my country. I am speaking up, at last, for Great Britain, and not for a bureaucracy that is going horribly wrong. The great thing is that when the Bill returns to the House, we can scrutinise it—we can do our job. That is what we are here for.

The Scottish National party wants independence and to rejoin the EU. The EU would nail Scotland to the floor if ever it got the so-called independence that the SNP desires. SNP Members would rue the day, as they headed to economic ruin, trapped in the euro—if indeed the EU let Scotland have it.

The Bill is good for our country. Ministers have not got it all right; I would be the first to concede that, and I am sure they would concede it, too. It can be debated and changed in Committee—of that I am certain—but a vote against the Bill tonight is a cynical ploy that our constituents, who sent us to the House, will not accept. I shall vote with the Government.

7.3 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Bill provides dangerous and sweeping powers to Ministers, rides roughshod through the devolution settlements, removes important legal protections and creates legal uncertainty, so, like most Opposition Members, I will definitely vote against Second Reading tonight.

Lots has already been said about the extraordinary proposed powers for Ministers in various Henry VIII clauses, to which the response has generally been, “Such clauses are already common”. It is true that they are far, far too common, but that does not mean that we should throw caution to the wind and hand them out like confetti. We should be fighting back against Henry VIII clauses, not handing out some of the most wide-ranging and dangerous-in-scope examples, as proposed in the Bill.

On the face of it, the proposed powers are so broad that Ministers could use Henry VIII powers to remove the very limits that are supposed to constrain their exercise, including the sunset clauses, and they are so wide that it is anticipated in the Bill that the Henry VIII powers will be used to create—guess what?—yet more Henry VIII powers!

Sir Oliver Letwin: Does the hon. Gentleman agree with me on the point that was discussed with the hon. Member for Rhondda (Chris Bryant)—namely, that the amendments of which he speaks could occur only after an affirmative resolution of the House?

Stuart C. McDonald: I do not necessarily agree with the right hon. Gentleman, nor do I have faith that even the affirmative procedure is necessarily a proper safeguard against wide-ranging powers such as those in the Bill. Such power does not belong in a Henry VIII clause at all.

Limits could be placed on the powers in the Bill at later stages. We could perhaps restrict which matters could be dealt with by delegated legislation, list further protected enactments, and define key terms such as “deficiencies”, or introduce a test of necessity, rather than rely on subjective ministerial judgment, and thereby improve the Bill. If it is to proceed, that must happen. But none of that would resolve the fundamental challenge of how we parliamentarians are supposed to play a substantial role in the whole process, beyond the usual inadequate procedures for scrutinising secondary legislation. Other Members have gallantly suggested alternative mechanisms—for example, some sort of filter—but to my mind they have been far too modest. At the very least, we need a procedure that allows us to table amendments to regulations, rather than meekly accepting take-it-or-leave-it, all-or-nothing proposals from the Government.

We are more than 13 months on from the referendum. Transposing EU law into UK law was always going to be a monumental task. The Government’s assuming

that we could just use the same old procedures we always use was either negligence, complacency, arrogance, or a mixture of all three. Such procedures are not fit for the normal business of this House, never mind for the vital task that lies ahead.

With respect to the devolved competencies, the Bill rides roughshod over the devolution settlements. Can you imagine, Mr Speaker, the federal Governments of Germany or the USA—or of lots of other federal places—attempting such a unilateral power grab? It would be greeted with outrage, and rightly so.

Stephen Kerr: I shall try again with the question I asked earlier. The hon. Gentleman talks about power grabs and the trashing of the devolution settlement, but can he tell me one power that the UK Government intend to grab back from Holyrood?

Stuart C. McDonald: Had the hon. Gentleman listened to my hon. Friend the Member for North East Fife (Stephen Gethins) earlier, he would have heard him mention agriculture, the environment and fishing. If he bears with me, I shall come to that point in just a moment.

The Länder and the individual states of the United States are lucky that they are protected by a proper constitution; it seems that all our devolved nations are protected by is the Government's mood and political pressure. It is a salient reminder that power devolved is power retained and of just how fragile the devolution settlement is.

On the point made by the hon. Member for Stirling (Stephen Kerr), can we imagine the response if the Bill sought to do to this Parliament what it would do to the devolved legislatures? If the Bill's purpose was to take back control, but then to prevent Parliament from changing retained EU law, it would have been laughed at and considered utterly unacceptable, but that is exactly what it will do to the devolved legislatures. It is completely unacceptable for the exact same reasons. We have heard some patronising arguments from Government Members, one of whom essentially argued that the UK Government need to take control of the powers for now to protect citizens in the devolved countries from their democratically elected Governments. We are more than capable of handling powers; we have done so since devolution, and we will continue to do so after Brexit.

If anything good has come of the Bill, it is its highlighting of the significant failings in the House's procedures for the scrutiny of the ever-increasing number of Executive powers to which successive Governments have helped themselves. It also highlights the utterly centralised nature of the British constitution, which is as far away from a mature federal model as it could ever be. There are almost no proper constraints to rein in Executive power, or proper legal safeguards for important rights. The idea that the Bill is part of a restoration of Parliamentary sovereignty is nonsense; it will simply mean that parliamentary sovereignty and, more significantly, Executive power are more unfettered than ever.

Perhaps membership of the EU, and the protections that that has provided through the charter of fundamental rights and other provisions, has led to complacency about the dangers of untrammelled parliamentary sovereignty, and the problems of the elective dictatorship once identified by Lord Hailsham. Now that the EU's

safety nets are being removed, all of us who believe in constitutionalism need to look again at where the UK goes from here. This Bill is certainly not the answer, which is why I will vote against Second Reading tonight.

7.9 pm

Richard Graham (Gloucester) (Con): Today and last Thursday, a number of speakers on both sides of the House stated that this Bill is not about whether we leave the EU, but about how. That should be something on which we can all agree, although today we have heard speeches from those who clearly take a different position. For example, the right hon. Member for Tottenham (Mr Lammy) made it absolutely clear that he was fighting against leaving the EU at all. The hon. Member for Lewisham East (Heidi Alexander) made an equally passionate speech, saying that she was voting to stay in the European economic area, and the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) started his speech by stating that he would not vote for the Bill this evening, and then looked for reasons as to why he would not do so, which is broadly the position of almost all his colleagues.

If we look at the Bill objectively, surely everybody can agree that we are where we are, and that we must have arrangements in place that suit every organisation in this country, including the prospect of knowing what the law of the land is at the end of March 2019.

Wera Hobhouse *rose*—

Richard Graham: I am tempted to give way, but I will not because are so many other people wish to speak. Will the hon. Lady forgive me?

Wera Hobhouse *indicated assent*.

Richard Graham: It is all about what the process will be. Interestingly, some of us have had the chance to look at a House of Lords report, which recommended some elements that this Bill should include. The report made it absolutely clear that delegated powers will be necessary in some cases, because the sheer volume of legislation needed—some 12,000 pieces of legislation—means that unless we use those powers effectively, the job will simply not be done in time.

The House of Lords Constitution Committee, which is not known to be a warm friend of this Government, made two specific recommendations. It recommended that

“a general provision be placed on the face of the Bill to the effect that the delegated powers granted by the Bill should be used only: so far as necessary to adapt the body of EU law to fit the UK's domestic legal framework; and so far as necessary to implement the result of the UK's negotiations with the EU.”

When the Secretary of State introduced the Bill on Thursday, he made it absolutely clear that that was broadly what the Government hoped to achieve. He went further and specified what the legislation would not be about. He made it clear that the powers in clause 9 would be for only two years and that they would make “technical and legal corrections” to deficiencies in the law. He also made it clear that Ministers will not have the power to make major policy changes and that changes will still be subject to parliamentary scrutiny and oversight.

[Richard Graham]

Several Members, mostly on the Opposition Benches, have questioned the definition of significant, what restraint there will be on the Government when deciding what is and what is not important, and what constitute technical and legal corrections. Therefore, there has been a debate, with Members on both sides of the House offering suggestions as to how things can be improved. The Secretary of State has said that he is in listening mode and that he is happy to talk about mechanisms for making sure that the process is fully democratic and open. All that is encouraging and in tune with what my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) referred to on Thursday during his important contribution to the debate. In particular, he said that it is important

“to have an established parliamentary system of scrutiny to ensure that the different types of statutory instruments that will be needed are correctly farmed out. I have no doubt that my right hon. Friend”—

the Secretary of State—

“is right that the vast majority of them will be technical and of very little account, but some will be extremely important and will need to be taken on the Floor of the House. We need to have a system in place to do that.”—[*Official Report*, 7 September 2017; Vol. 628, c. 407.]

My right hon. and learned Friend did not recommend a specific system, but it seems relevant to suggest here that we already have what is, effectively, a body for precisely this task: the Joint Committee on Statutory Instruments. We also have a different model, or possibly an additional one. I am talking about what the Secretary of State for Work and Pensions is obliged to go through as a statutory requirement: the Social Security Advisory Committee. Some of us believe that we could use a combination of both those bodies. We could use an advisory committee to provide the technical analysis of proposed changes, and the Joint Committee to go through them and approve or disapprove the recommendations.

Dr Blackman-Woods *rose*—

Richard Graham: I am so sorry, but I will not give way.

That body would provide the necessary oversight that Members on both sides of the House, but particularly Opposition Members, are looking for to try to ensure that the right checks and balances are in place—as my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) mentioned—and we have the right use of statutory instruments—

Mr Speaker: Order.

7.15 pm

Daniel Zeichner (Cambridge) (Lab): I will vote against the Bill tonight, for the slightly quaint reason that that is what I told my constituents I would do back in June—that is partly why I have been sent here—and for other reasons, some of which we have heard from Members on both sides of the House. The hon. Member for Gloucester (Richard Graham) mentioned the House of Lords Constitution Committee. Coming from Cambridge, I had the privilege on Friday of spending an hour talking to the highly respected Professor Mark Elliott, who advises that Committee. He said:

“The fact that the central aim of the Bill—that is preserving EU law post exit—is a necessary one does not place the Bill beyond criticism.”

He went on:

“The Bill in its present form is profoundly problematic in legal and constitutional terms. It is an affront to parliamentary sovereignty. It eviscerates the separation of powers principle and it risks destabilising the UK’s increasingly fragile territorial constitution.”

He says an “affront to parliamentary sovereignty”, but what does he know? He is just the leading expert on the issue.

I will also vote against the Bill for another reason, which has not been stated loudly enough in this debate, except by my right hon. Friend the Member for Tottenham (Mr Lammy). It is increasingly said in parts of the country that we should not withdraw from the European Union at all, because it is not in our national interest to do so. I fully understand that opprobrium will probably be heaped on me for saying that, but, actually, I am only stating the obvious. As the farcical non-negotiations continue to fail to proceed, it is clearer and clearer that the most likely outcome is a last-minute fudge that will satisfy no one. It is also clear that, at the end, the choices open to us must include the possibility that all the alternatives on offer are worse than staying in, and that is putting it at its most negative. We should negotiate on the key issue that we all know is at the heart of this, which is migration, and securing the changes that would satisfy the concerns of many who voted leave, without doing the undoubted economic damage that we risk by continuing on this path.

To those who say that the decision was made more than a year ago, I say that the world has changed. As my right hon. Friend the Member for Derby South (Margaret Beckett) and my hon. Friend the Member for Ynys Môn (Albert Owen) so powerfully said, we have all been through a general election. The Prime Minister went to the country, demanding a mandate, and we know what happened—she did not get it.

The wider world has changed as well. A year ago, it could have been plausibly argued that we could negotiate reliable, mutually beneficial trade deals with the United States in a way that now seems wholly unlikely when that country is governed by such an unpredictable and difficult President. In the rest of the world, we see China becoming more authoritarian, Russia hardly more helpful and North Korea a real threat. In a world that seems so increasingly volatile, whom should we look to in times of need? Our wisest option would be our European neighbours, who increasingly look like the most sensible major players. What a foolish path to be embarking on in such dangerous times.

I will not support the Bill, but I would like to make one comment about one of the more detailed provisions that profoundly concerns me. On Thursday, my right hon. Friend the Member for East Ham (Stephen Timms) explained very eloquently the danger of leaving the charter of fundamental rights. In particular, he mentioned the consequences of not including the clause relating to the protection of personal data. As he rightly said, there is a danger that we will struggle to achieve a data adequacy agreement, which in turn would have severe consequences for UK businesses and data users. The hon. Member for Chelmsford (Vicky Ford), speaking from the Government Benches, made a similar point this afternoon. But it goes further than that, because securing an adequacy agreement depends not just on the ability to use article 8, but on the perception on the part of our neighbours that the UK is not prepared to

diminish data privacy, because in the end this will be a political decision, and it will give others the opportunity to say that we are weakening our position, making it easier for them to deny us that vital adequacy agreement.

That is one of the many detailed points that could be made. I fear that we are in danger of sleepwalking into a calamity. Our task as Members of this Parliament is to look into our consciences and reflect on the best way forward for our country. I suspect that there are many in this Chamber who will vote for the Bill tonight who know in their heart of hearts that we are on the wrong path. Let us try and find a way back.

7.20 pm

Ross Thomson (Aberdeen South) (Con): Let us cut through the political smoke and mirrors that we have heard in this debate and be clear about what the Bill actually sets out to do. On the day the UK leaves the EU, we need to be ready and prepared to take back control of all the laws and regulations that for the last 40 years have been entirely controlled by Brussels. This Bill enables us to carry out the express will of the people, following through on their instruction to end our membership of the EU. To oppose the Bill now is to oppose that fundamental principle and constitutes an act of betrayal against the referendum result and the will of the people, who we trusted to make the decision on our EU membership.

I am in no way surprised that SNP Members want to use the Bill to thwart Brexit. True to their nationalist politics, the SNP hailed the votes of 1.6 million Scots as meaning that Scotland voted remain—they were Scotland's voice. Meanwhile, the votes of over 1 million Scots were simply airbrushed out of the picture altogether. Members of this House might not be aware that 400,000 of those leave voters in Scotland were SNP supporters. Following the recent logic of Scotland's own Brexit Minister, Mike Russell, in evidence to committee, the 400,000 SNP leave voters, not to mention SNP leave MSPs, are somehow hostile to devolution. On the day that we mark the 20th anniversary of the referendum to create the Scottish Parliament, Mr Russell's remarks are yet another incredible attack, although this arrogant dismissal of the 1 million Scottish leave voters follows an SNP pattern of trying to portray them as simply not existing.

Leaving the EU will make Scotland's Parliament inherently more powerful, with new powers over areas that the EU currently legislates in. Not only does the SNP position on new powers show how truly brass its neck is; it shows the shameless depths of scaremongering that the SNP will delve into to play constitutional tricks, fuelled by their politics of division. By voting against the Bill, the SNP will vote against more powers for Holyrood and against Nicola Sturgeon and her Government's making more decisions in Scotland. Though, to be fair, I cannot blame Nicola's Westminster colleagues for not wanting more powers for Scotland, given the Scottish Government's dreadful performance on education, health and the economy, after nearly a decade in power. Given that track record, I can see why those on the SNP Benches are feart to give Nicola Sturgeon more power. Naturally, they want to hold on to their seats here.

I listened to the hon. Member for Glenrothes (Peter Grant) on Monday railing about how the people of Scotland are sovereign and that that needs to be protected against some imaginary Westminster power grab. Where was

the SNP's belief in sovereignty over the last 40 years, when laws were imposed on the people of Scotland by the EU without debate in this place or, in the last 20 years, in Holyrood? No option for debate, no option to amend, no option even to reject—where was the SNP's concern for sovereignty then? Given that the SNP still wants the EU to retain those powers, its current argument is simply absurd. This Bill delivers our exit from the EU and it will make Scotland's Parliament stronger. The decision that the SNP faces is: will it be stronger for Scotland or will it maintain its stance of being only stronger for Brussels?

Finally, for all those seeking to block the Bill, let us be absolutely clear. In frustrating the process, they are dismissing the voice of the public by not carrying out their instruction, and in doing so, they serve only to feed the voter disaffection with the democratic process and their distrust in politicians. There is more debate and argument to come in this place, and rightly so. However, at this stage Parliament should be uniting on the principle of this Bill. I urge Members to support it.

7.26 pm

Vernon Coaker (Gedling) (Lab): Let me start by giving some context to this EU withdrawal Bill. Just a few months ago, the Prime Minister went to the country. What was the purpose of going to the country? It was because she wanted a bigger mandate, given the ups and downs to come over Brexit. Let us remind the Government what happened in that election. Did they win? Did they increase their majority? No, they did not. They lost seats and their majority went. With this Bill—and, indeed, tomorrow's proposed Committee changes—we have a Government believing they have a mandate to act as though they had won the election and their views had been endorsed by the British people.

A Government who were offering true leadership to the country would now be saying, "We recognise the closeness of the referendum and we will respect the result, but our country, which we seek to govern, is divided. Our people are divided"—we heard some of that just before I spoke. A Government showing true leadership would seek to bring the country together and say to people, "We have to find a way through." But what has the Government's starting point been for this? Their starting point has been, "How do we get this EU withdrawal Bill through Parliament, given that we don't have a majority?" We now see this Bill constituted in the way that is, with respect to SIs and the grabbing of power.

Let me be clear: my constituency voted to leave—I respect that—but what my constituents did not vote for was leaving at any cost to jobs, business, workers' rights, the environment, welfare or the unity of our country. I have absolutely no problem going back and arguing to my constituents that, yes, I respect what people said and how they voted, but also saying, "I cannot, as your representative, stand up in this Parliament and say that what is on offer from the Government in this EU withdrawal Bill will be of benefit to you and your family." This is not about trying to ignore the will of the people; it is about trying to give expression to it in a way that works—not to block Brexit, but to get the best for it.

We have only limited time today, and some of these further debates will obviously happen in Committee, but let me just say one thing to the Government. We have

[Vernon Coaker]

heard calls for amendments but, in many respects, the whole Bill needs to be rewritten. Clauses 7, 8, 9 and 17 give the Government huge powers. Indeed—this is absolutely astonishing, and I have never seen it, although a constitutional expert would no doubt tell me that it has happened before—the Government are giving themselves secondary legislative powers not only to deal with many of the things that may arise, but to modify the primary legislation itself. This legislation could be modified by a Government-stacked Committee on the basis that it was not working. It is unheard of; it is an affront to our democracy and to the way this Parliament works. It is not what people who voted leave voted for, and nor is it something I believe the people of this country would want to see.

Ministers should not take my word for it. In its interim report, the House of Lords Constitution Committee absolutely lambasted the Government for using its original report to say that the Committee supported the Government's use of statutory instruments. Let me read the summary conclusion of the interim report, which was published on 7 September, just a week ago:

“Overall, we conclude that the Bill is highly complex and convoluted in its drafting and structure. This is not to deny that it must inevitably grapple with a set of difficult legal issues. But it is a source of considerable regret that the Bill is drafted in a way that renders scrutiny very difficult, and that multiple and fundamental constitutional questions are left unanswered. We will consider all of these issues in greater detail in our forthcoming inquiry on the Bill.”

What an absolute lambasting and castigation of the Government's position by a cross-Bench, cross-party House of Lords Select Committee. Ministers will have to respond to that report by actually taking account of it.

I will finish where I started: a Government showing true leadership would seek to bring the people together, would seek to bring this Parliament together and would seek to bring the country together. Instead, we have a Government who are dividing everyone.

7.32 pm

Antoinette Sandbach (Eddisbury) (Con): Well, there is a coming together, because earlier today I heard the speech made by the right hon. Member for Don Valley (Caroline Flint), who has a completely different political philosophy from me, and I agreed very much with what she said. Indeed, my hon. Friend the Member for Gainsborough (Sir Edward Leigh), who has a completely different view from me on Europe, spoke very powerfully about the need for magnanimity.

The reality is that this piece of legislation is necessary to give the Government the tools to avoid the disastrous consequence of crashing out of the EU without the appropriate rules and regulations in place. It is quite ironic that those who spent 40 years fighting the EU are now leading the charge for the single largest codification of EU law in our country's history. However, that is not a reason to vote against the Bill; in fact, it may well be a reason to vote for it, because it will put into UK law some of the rights and privileges we have enjoyed because of our membership of the European Union, and I want as many of those rights and privileges as possible to come into UK law.

I campaigned for remain, but I voted to trigger article 50 earlier this year, as I felt it was right to do in the interests of our democracy. The crux of the leave vote was about taking back control, but I agree with many right hon. and hon. Members on both sides of the House that it was about taking back control into this House and this Parliament, not transferring extensive powers to Ministers. The Bill in its current form, particularly clause 7, is an unacceptable attempt by the Government to demean the role of Parliament. If Members of this House are to vote in favour of a Bill that delegates powers to Ministers, those powers must be much more tightly defined, with parliamentary scrutiny allowed for. While I recognise the importance of ensuring that the process is as smooth as possible on exit day and in the ensuing weeks, Parliament must retain oversight of the process.

Previously the Government did not intend to give Parliament a say on the final deal or, indeed, on article 50—the House certainly overwhelmingly endorsed article 50—and we now face a similar prospect of authority being pulled back from this House. How would that affect legislation around the nuclear industry, for example, which is inextricably linked with EU states and institutions? There is great anxiety about our ability to replicate the Euratom agreement and to make such arrangements in time. I recognise the inclusion of a nuclear safeguards Bill in the Queen's Speech, but if a future Government saw requirements on the nuclear industry as restrictive, this Parliament would have no ability to hold that Executive and the replacement measures they introduced to account under the terms of this Bill.

I, too, took particular interest in the report by the House of Lords Constitution Committee, which said:

“We would expect that a statutory instrument which amends EU law in a manner that determines matters of significant policy interest or principle should undergo a strengthened scrutiny procedure.”

I would support that, and I was encouraged by the Secretary of State's indication on Thursday that he would take account of sensible amendments tabled in this House.

I also have reservations about repealing the European Communities Act 1972 before we know what the transitional arrangements will look like. I am glad that the Government see the need for a smooth and orderly exit, but I see that as maintaining membership of the customs union, at the very least, until a comprehensive free trade deal is agreed. I am sceptical of voting to repeal the 1972 Act until we know the dynamics and practical workings of the transitional phase. Achieving such an agreement must be an urgent priority before we create legal risks and uncertainties in the manner that the Bill as currently drafted is in danger of doing.

One point that has been lacking in the debate is how all this is perceived in the EU. The future prosperity of our country heavily relies on what we are able to achieve throughout this negotiation process. The Government must be seen to be engaging with Parliament on a cross-party basis. That would give the aims and ambitions of the Secretary of State and his team far more credibility and clout as he negotiates with the other 27 EU nations.

I have some reservations about the time allocated to debate the Bill. I very much hope we will get the assurances asked for by many Members on both sides of the House about the possibility of having more time,

if it is needed. I urge the Government to consider sensible amendments, but I ask others to please support the principle of the Bill and to allow this House to amend it.

7.38 pm

Mr Mark Hendrick (Preston) (Lab/Co-op): I accept the result of the referendum even though, as a committed European, I fought vehemently on the remain side. Even though I believe that the leave campaign told a pack of lies, I still think that I am obliged to support the outcome of the referendum, which the leave side won by 52% to 48%—very close to the 53% to 47% result in my constituency. I did not like the result, but I respect it, so afterwards I voted for article 50. I have no regrets because, although I deplore the result, I accept it.

We need all these laws transposed into UK law en masse. I have no problem with that. The 12,000 regulations amassed over 44 years need to be in place so that the UK can continue to function normally. The hon. Member for South Dorset (Richard Drax) mentioned unelected officials making these decisions, and many other Members have talked about faceless bureaucrats, but as a former MEP who used to spend hours sitting on—in many cases extremely boring—committees, often late and into the morning, I can say that there has been a great deal of democratically elected input into many of those directives. When I was a member of the European Scrutiny Committee, I fully understood the toils of many elected politicians and what they would have been through when the directives finally arrived in this House for scrutiny. It seems a shame that a former member of the European Scrutiny Committee did not appreciate how those directives and regulations were made.

The sweeping and draconian powers introduced by the Bill are an affront to this Parliament and to democracy, with the Henry VIII powers and the Government's taking control of powers that should be devolved to the devolved regions and Scotland. Many leavers talked about taking back control; this does not bring back control to the democratic Parliament, but gives it to a cobbled-together minority Government who thought that they would have a huge majority but have not. That minority Government seek overwhelming power when they are struggling in Brexit negotiations and want to make big changes to European laws that they have been complaining about for decades.

The scenario looks likely to be as follows. In 2019, the Government will either get no trade deal, a very bad one involving tariffs, or something akin to a WTO trade deal. The deal will be put to Parliament and the people, and people the length and breadth of the country will see that that deal is bad. I believe that the mood in this country will change from being 52% in favour of leaving to quite the reverse. A deal with the US, China and/or India will be embryonic, if not very distant, on the day before Brexit. EU law will then become UK law. The day after that, the Government will start doing what they have been threatening to do for generations—they will set about health and safety regulations, employment regulations, consumer law that protects citizens, and environmental regulations.

The scene is set for the UK to go backwards, with a hard Brexit meaning a huge problem with trade and prosperity. We will see a diminution of the rules, regulations

and protections that the EU has brought to workers and consumers in this country. At the same time, business and trade will be hard hit. This is a recipe for disaster and an attack on workers, consumers and businesses up and down the country that deserve better.

This Government will go down in history as one who failed to deliver a successful Brexit, failed to compensate for what was lost through the trade and business they promised with other parts of the world, failed to protect our workers and consumers, and failed to protect the businesses that depend on them. I do not think that the public will forgive the Government; history certainly will not. I shall oppose the Bill.

7.43 pm

Alex Burghart (Brentwood and Ongar) (Con): I am grateful to you, Mr Speaker, for the opportunity to speak in this historic debate. It is getting late and a good many of the issues that need raising have been raised, but I would just like to return to a few of them.

I rise to support the Bill for one very good reason: it is the sort of Bill most of my constituents would like to see. They voted overwhelmingly to leave the EU and, like me, they want us to leave in as orderly a fashion as possible. The Bill ensures that we do not create legal black holes and therefore grand uncertainty for employers, employees and investors. It allows future Parliaments to amend all laws as they see fit and, in that sense, allows Parliament to become sovereign again. It is adaptable to the inevitable uncertainties of the Brexit process. The Bill achieves all that, and it is to the credit of the Government and of officials that they have managed to do it under tight time constraints.

There are some reasoned and principled objections to the Bill and to how it has been presented. It is clear that parts of the House will require guarantees over the so-called Henry VIII powers. As my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) mooted earlier, that might be possible if the Government set a legal limit on their ambitions. That said, we must not in our admirable quest for parliamentary scrutiny forget that this is a fiendishly complex transfer of legal powers the like of which this House has never seen. For that reason, we must afford the Government a degree of plasticity. We do not yet know how the final deal will turn out or when it will be available to the House. The Bill must be adaptable to permit that process to proceed as best it can and to allow for a multitude of outcomes.

Getting that give and take on particular clauses and powers will take time. If the House finds that it does not have enough time in Committee, it must have more. Call me boring, Mr Speaker, but I was a bit disappointed when the House did not sit past five on Thursday—it was very sad to see such big beasts manacled by a five-minute time constraint. I heard the Father of the House rightly pooh-pooh the Blairite family-friendly hours under which we labour. Family friendly? Is someone yanking my chain? Which of us in the Chamber today gets to put our children to bed of a night as it is? We should carry on sitting until our work is done; if we have to sit late, if we have to sit some Fridays, if we have to think about the length of recess, we must. The importance of getting the Bill right goes beyond those concerns. This is a job that requires sacrifice.

[Alex Burghart]

It is my firm belief that this Bill can be got right. I know that Members opposite feel the same, because in all the hours of debate that we have had none of them has been able to raise a serious reason why it should be voted down on Second Reading.

Mike Amesbury: This debate is about not if but how we leave the EU. I was elected to this House very recently to speak up for my constituents, not as a spectator. I want Parliament to take control, stand up for democracy and protect parliamentary sovereignty.

Alex Burghart: I thank the hon. Gentleman for that intervention.

I know that Opposition Members feel the same as me, because they have not raised a single meaningful reason why the Bill should be voted down. As my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) said on Thursday with a logician's concision, to say that we will oppose the whole Bill because we disagree with a few clauses is a non-sequitur. If we go hunting for the sequitur, however, I believe that we can find it in the admirably principled intervention made by the right hon. Member for Don Valley (Caroline Flint) earlier. The truth is that if the Bill were to fail tonight it would be very difficult to bring it back. The Government would have to introduce a new Bill in a new Session, or this one would have to be reintroduced in a suitably different form so as not to fall foul of the same-question rules. In short, voting this Bill down runs the risk of having no Bill. It runs the risk of legal black holes, of terrible uncertainty, and of investor panic and economic shock. That is what the Opposition will be voting for tonight.

I will go further than that. The Opposition Front Benchers know full well that if they defeated the Government they would not stop there; they would try to bring the Government down. The Opposition wish to vote this Bill down tonight because they know that defeat on such a central piece of legislation might cause the Government to fall. That is their motivation—nothing more, nothing less. The shadow Secretary of State does not want the Government to go back to the drawing board, he wants the drawing board for himself. He says that he wants the article 50 process to succeed. I believe him, but I do not believe that he wants this Government to succeed in doing it. I believe that he will put the interests of his party above the interests of the country in that regard. If he succeeded in his aims, he would do so only after a period of terrible turbulence for the country and after a terrible loss of time—and time, right now, is a terribly precious commodity. He says that he sees this not as a great repeal Bill but as a great power-grab Bill. Well, that is certainly the purpose for which he intends to use it. He is accusing Government Members of that of which he is guilty. I ask him to do the honourable thing and to put his political ambitions on ice for the purposes of the vote tonight so that this House can move more quickly to a detailed discussion of the essential clauses within this Bill.

7.50 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I will vote against this Bill tonight because I have listened to my constituents in Cardiff South and Penarth and because I am continuing to listen to them.

First, I want to praise the absolutely forensic examination of the Bill by my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), by my hon. Friend the Member for Rhondda (Chris Bryant), and by the former Attorney General, the right hon. and learned Member for Beaconsfield (Mr Grieve). I also praise some of the speeches that we have heard from Conservative Members. The hon. Member for Chelmsford (Vicky Ford) exposed the complexity of the Bill. Fair-minded comments have been made both by leavers and remainers on the Government Back Benches, including the hon. Members for Eddisbury (Antoinette Sandbach) and for Gainsborough (Sir Edward Leigh).

I am afraid that this Bill is the latest chapter in a sorry few months for this tin-eared minority Government. We have seen—let us be frank about this—an utter shambles in the negotiations. That is the view of the public, 61% of whom think that the Government are mishandling the negotiations, and of business leaders, with FTSE leaders refusing to sign the letter that No. 10 was trying to hawk around them last week. [Interruption.] Indeed, where is that letter? They would not sign it.

We have seen a complete failure to make progress. Where are those trade deals we were promised a year ago? Where is the coming together that the Prime Minister promised us? Instead of her trying to find a consensus on this absolutely generationally significant decision, we are now seeing the ideological pursuit of a hard Brexit driven by the one group on her Benches who are keeping her hostage. We are offered the illusion of being told that we are taking back control when instead we are seeing a Government taking back control from the devolved Administrations of Wales, Scotland and Northern Ireland, from this House, and indeed from the people.

This must be seen within a wider context—the vote on the Committees tomorrow, the delays in setting up the Select Committees, the programme motion to limit the time spent on this debate, the wider restrictions on judicial review, the charities Act muzzling organisations up and down this country, and the Trade Union Act 2016. This is all part of a similar agenda by the previous and present Governments to shut down democratic debate.

There are many wild claims about what the public want in these negotiations. Well, are we even asking them as we go along? The Government do not want to listen to Parliament or to the devolved Administrations. My hon. Friend the Member for Walthamstow (Stella Creasy) and I, as co-operators in believing in co-operative structures where we listen to Members, have suggested setting up citizens' juries on the negotiation process that would ask the public about the complexities of the negotiations as we go along, not just based on one decision made on a day in June last year. What are the Government so afraid of?

We have covered at great length in this debate the many problems with the Bill. I, too, am deeply unhappy with the Henry VIII powers. I would never trust giving those powers to a Government in any Bill, let alone a Bill of this seriousness that gives them the ability to amend it by statutory instrument, to control the exit day, or even to set up multiple exit days to string out the process to their advantage. I do not believe in giving them those sweeping powers.

Then there is the devolution power grab—the “naked power grab”, as First Minister Carwyn Jones put it. I am happy to work with those from the SNP and Plaid

Cymru and others who will seek to defend the devolution settlement that we have all fought for over the past 20 years. The Government say, “Trust us on the devolution settlement”, but look at what they did with the Agricultural Wages Board in Wales. Look at what they are now saying they will do to undermine the Trade Union (Wales) Act 2017, which the Welsh Government have just passed under their own powers. The Government want to undermine that, and they would seek to undermine the devolution settlement going forward.

We can see the loss of rights at the heart of the Bill. The hon. and learned Member for Edinburgh South West (Joanna Cherry) pointed to the example of the case involving LGBT pension rights. The former Attorney General, the right hon. and learned Member for Beaconsfield, said that given how the Bill is currently drafted, those rights could evaporate because they would not be justiciable. The Trades Union Congress has today pointed out how the Bill will put workers’ rights at risk.

I have said much about the single market and the customs union. I do not think the Bill gets it right on the transition. We have to get that right—that is an absolute no-brainer for our businesses—but I want us to stay inside the single market and the customs union. I welcome the general secretary of the Trades Union Congress setting out the trade unions’ concerns about these issues today, just as businesses are repeatedly setting their deep fears out to me both in public and in private. Like my hon. Friend the Member for Lewisham East (Heidi Alexander), I do not want to sacrifice jobs and businesses on the altar of ideology.

Where is the guarantee in the Bill about a final parliamentary vote on the deal before these powers are exercised? Again, the Government say, “Trust us”, but where is the guarantee in the Bill?

I have a much bigger problem with the Bill and the process around it. Democracy is a process, not an event. It is a great irony that those who have often claimed that they support and defend democracy and liberty, and have said that is the very reason why they are pursuing this Bill, at the same time want to restrict our democracy and liberties, and the liberties of this House, by setting deeply dangerous precedents that will echo down the decades to come. We should not simply preserve the binary decision of the referendum day in aspic, freeze it in ice and pray it in aid of every variety of hard Brexit that certain Conservative Members want to push ahead with. Where have those democrats gone—where have the original hon. Member for Wycombe (Mr Baker) and right hon. Member for Haltemprice and Howden (Mr Davis) gone? They smile wryly, but they know in their heart of hearts that this is not right. A majority may have voted to leave the EU in June last year, but I do not believe they voted to give up their democratic rights and their right to be heard on so many issues.

7.56 pm

Jeremy Lefroy (Stafford) (Con): As always, it is an honour to speak after the hon. Member for Cardiff South and Penarth (Stephen Doughty).

We are debating the Second Reading of the European Union (Withdrawal) Bill, and I will be supporting it, but of course it is only half the story. The Government quite rightly want a smooth exit in terms of the laws

that we will have on day one after leaving the EU, but the other side is that we need a smooth transition into the state that we will be in after EU withdrawal. We are nowhere near that at the moment, and the Government need to do some rethinking.

As many people have said, this Bill needs improving. It is certainly not perfect. I will not go into the details, but clearly clauses 7 and 9 are going to need much more circumscription around their powers. In particular, with regard to clause 9, we need a reference to approval of the final deal by Parliament.

I agree with all the colleagues on both sides of the House who have talked about the need to have some kind of efficient mechanism for dealing with the vast volume of legislation that is going to come forward, whether it is called triage or some other such name. This House is going to have to get used to debating an awful lot of legislation in future. We rightly say that we are repatriating the discussion, debating and approval of legislation from Europe in future, but after we leave we will still have to take note of, and in some cases bring into our own law, European legislation. Otherwise, we will simply not be able to trade in certain extremely important areas such as financial services, to name but one.

Therefore, we might as well get used to such detailed scrutiny of legislation as we go through this Bill. That is why I believe that eight days may not be enough. I am prepared to vote for the programme motion, but I echo very many colleagues in saying that we may need to revise that if the Government see that there is not enough time to scrutinise the Bill within those eight days of eight hours each.

I cannot understand why the Government have decided to make an exception for the charter of fundamental rights in clause 5. If we are going to take over legislation in full and have a smooth exit, let us take it all over. If we want to revise it or get rid of it later, we have said that we will do that. There are many ways in which we can make the charter of fundamental rights fit for purpose. Indeed, I remember working closely with my right hon. Friend the Secretary of State for Exiting the European Union to frustrate a previous Government’s attempts to pull out of a different Bill of Rights, the European convention on human rights, so I hope that he will have great sympathy with what I have to say.

Finally, let me return to the question of withdrawal. We are trying to leave in as smooth a way as possible, and we have to try to accede to the post-EU situation in as smooth a way as possible. I thought about this long and hard as a member of the Exiting the European Union Committee in the last Parliament; I am honoured to be on that Committee in this Parliament as well. I can see very little alternative to—in fact, I would welcome—accession to the European Free Trade Association. I think that that would be an extremely good and smooth way to transition out of the EU and into what we will have afterwards. The Government are rightly concerned about having a smooth exit with all the law in place when we leave, so they have an equal responsibility to ensure that our entry into the post EU membership situation is as smooth as possible. I urge them to make that their No. 1 priority, and to say that joining the EFTA, which has numerous forms of membership, is the best way.

8.1 pm

Helen Goodman (Bishop Auckland) (Lab): It is a pleasure to take part in the debate, and it is a particular pleasure to follow the hon. Member for Stafford (Jeremy Lefroy). He gave a thoughtful and considered speech, the tone and content of which were extremely consensual and helpful. If I may say so, it would be nice if more Conservative Members gave similar speeches.

I accept the referendum result, and I am happy to vote for the amendment in the name of the Leader of the Opposition tonight because it accepts the result as well. A majority of my constituents voted for Brexit, but more people have contacted me to raise concerns about the Bill—in particular, about the timetable and the potential impact on environmental legislation—than to tell me that they are happy with it.

At the beginning of the year, the Procedure Committee embarked on an inquiry into what was then known as the great repeal Bill. The inquiry was halted by the general election, but in April we published evidence and interim findings, and I want to share some of them with colleagues tonight. The potential in the Bill for the excessive use of delegated legislation is alarming. The Bill is not what people were promised during the referendum campaign, which was greater parliamentary sovereignty. It is a power grab by Tory Ministers, who cannot be trusted, as they have repeatedly shown.

Relying on delegated legislation will not give Parliament proper opportunities for debate, scrutiny or control. Let me remind hon. Members of some of the processes. A statutory instrument introduced under the negative resolution process can become law without debate or a vote. It can even become law before it has been published and laid before the House. The Secretary of State for Justice is frowning, but that is the case. Paragraph 1(3) of schedule 7 sets out that most of the statutory instruments will be subject to negative resolution procedure unless—Ministers are nodding now—they are about transferring powers from European agencies. Last year, a fifth of statutory instruments were in force three weeks after publication. If Ministers were given such a power, there would be nothing to stop them signing laws one day and seeing those laws on the statute book the same day.

Scrutiny by the affirmative and super-affirmative processes is not much better. Such statutory instruments must be approved explicitly, but most go to Committees upstairs, and now the Government are trying to overturn the result of the general election by packing those Committees. Even when such statutory instruments are debated by the whole House, time is limited to 90 minutes, and they cannot be amended.

The drafting of clause 7 is wholly objectionable. It is too wide. Ministers may make regulations as they consider appropriate—not necessary, but appropriate—and regulations may repeal and replace primary legislation. That indicates that it is not the Government's intention to limit such regulations to technical and non-controversial matters.

Liam Byrne (Birmingham, Hodge Hill) (Lab): My hon. Friend is making a brilliant speech, but is the challenge of the Bill not this: we used to talk in this country about an elected dictatorship, but what is now being proposed is a barely elected dictatorship? Has she ever seen a bigger gap between a Government's mandate and the power that they seek?

Helen Goodman: No, never. The fact that all the replacement of the functions of the 40 EU agencies is to be done by regulation means that vast swathes of legislation, covering matters from aviation security to medicine safety, will be implemented using these processes.

The Procedure Committee received evidence from academics, four other Select Committees and a large number of civil society organisations, from the TUC to the Archaeology Forum and a lot of environmental groups, who are rightly concerned because 80% of environmental legislation is derived from the EU. All our witnesses raised important issues. The risk is that delegated legislation will be used not just to transfer EU law, which is the Government's stated intention, but to change its legal effect.

In clause 9 the Government seem to be seeking the flexibility to change the law to comply with the withdrawal agreement. How can the House be expected to agree to that, given that the Government have steadfastly refused to agree or even share their negotiating objectives with the House? The Government are still refusing to provide in primary legislation for a vote on the final deal, but we are supposed to pre-agree now any changes that flow from the withdrawal agreement. I know what my constituents want from Brexit. They want to control immigration, maintain the social chapter and continue with the EU arrest warrant. But I do not know what the Government want. We cannot pre-approve the final deal.

The Government claim that they want certainty, but their secrecy is preventing anyone from predicting where we will end up. It would be normal to share statutory instruments in draft, but the Government have not even told us in which areas of legislation they will use these procedures. Another major issue is who decides which procedures are used, and how Parliament, rather than the Executive, can do that. This cannot be dealt with solely through the Bill. Changes may be needed to Standing Orders. We may need to establish new Select Committees in the Commons and jointly with the Lords. The Leader of the House, who is not even in her place, has utterly failed to bring forward any plans to show what she will do in terms of resources, time or procedure. The Government have deliberately delayed establishing the Select Committees and have been secretive, nervous and unco-operative. Even today, Tory Members have had a letter from the Secretary of State, but the rest of us have not seen it. We cannot trust these Ministers, and so we cannot give them such vast powers.

8.8 pm

Victoria Atkins (Louth and Horncastle) (Con): I will endeavour to follow the plea of the hon. Member for Bishop Auckland (Helen Goodman) and deliver what I hope will be a thoughtful speech. She may not agree with every point, but I promise her that I have been thinking about it a great deal as I have sat through the debate not just today, but on Thursday. That has given me quite a lot of time to do so.

I have approached this debate as I would have done if I had been instructed in a case in my previous career. We have the end point, whereby the United Kingdom is leaving Europe. Can we achieve that end in a smooth way that provides as much certainty around the norm as possible? Indeed, I believe that the Government must achieve that in the smoothest way possible for all our constituents and all the businesses upon which our economy relies. Ensuring a smooth exit is the right

thing to do legally, morally and economically. There has been talk in the Chamber today about the impact on business, and we know that having successful businesses and a growing economy are the things that create jobs and help to pay for the services we care about, such as the national health service. It is in the interests of each and every one of us for the Government to achieve the smoothest possible transition out of the EU.

How do we achieve that? The Bill starts from the premise that EU law will be transferred into British law. At this stage, there are no changes; there is purely a replication across from EU law into the British legal system. Let us not forget that that is quite a lot of law—40 years' worth of law making—and it is an enormous task. What measures can the Government realistically take to achieve it? I have listened with great care to Members on both sides of the House, but particularly Opposition Members, who plan to vote against the Bill tonight. I have listened to what they have said about the process, and there are indeed some points on which areas of agreement can be found across the House, but I have not yet heard anyone come up with a different way of doing this in the very short timeframe we have. It seems to me that we have to work on the basis that the wholesale adoption of EU law is the way to go, and I foresee in the years to come that this Parliament will play a very active role in deciding which laws it likes and which it does not.

I want to inject just a touch of *realpolitik*. After two days of debating the power grab, as it is called by some, by the Executive, I suspect that any Minister seeking to exercise the powers under clauses 7, 9 and 17 will be very careful in so exercising them, because they know that many eagle-eyed people on both sides of the House will ensure that they behave properly and within the spirit of the law.

Mr Hendrick: Many of us have a beef not with the way in which the laws will be transferred from Europe to the UK, but with the way in which the laws will be treated afterwards. The sweeping powers that the Bill provides will make it possible for Ministers to abuse powers that they have not been given by the electorate. This House should have control of that, not Ministers by their gerrymandering in this Bill.

Victoria Atkins: I am grateful to the hon. Gentleman for that intervention because it gives me the opportunity to mention the sunset clauses in relation to both clauses 7 and 9. I will not make Ministers' lives easy, because I note that there is no corresponding sunset clause in relation to clause 17, but it may well be possible to discuss that in Committee. We have the comfort of knowing, however, that clause 9 will stop once exit day has happened and that clause 7 will operate for two years thereafter.

As I have said, I have had the pleasure of listening to two days of debate on this Bill, and the quality of debate has been excellent. There have been some very thoughtful suggestions about how the Bill can be perfected, and I have been emailed, as have many colleagues, by constituents with their thoughts on the Bill. In particular, I note the concerns about triaging SIs. I also note the contribution of my right hon. Friend the Member for Newbury (Richard Benyon) about infractions, and those of my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) and my hon. Friend the Member

for Bromley and Chislehurst (Robert Neill) about the Francovich rulings. I am sure that Ministers have listened to those points and will bear them in mind on this—let us face it—unprecedented legal course that we are taking. It is a very exciting time: it is not what I voted for, but we are in it and we have to make the best of it now. We must ensure the smoothest possible exit from the EU to our new place in the world.

I will end with this point: in 2015, I stood on a manifesto commitment that I would support the Conservative Government in holding a referendum and then in honouring its result. Tonight, I will vote to repeal the 1972 Act and to start the smooth process of transition. It is a promise made and a promise kept. We in this House are often accused of not keeping our promises, but this is a promise that I feel morally and democratically obliged to keep, and keep it I will.

8.15 pm

Mary Creagh (Wakefield) (Lab): I will be joining my colleagues in the Lobby tonight to vote against this Bill, because of the unprecedented Henry VIII powers that will transfer power away from Parliament and give it to Ministers. In some ways, these powers will turn the Prime Minister into a female version of Louis XIV, the sun king, who, as he lay on his deathbed in the palace of Versailles, said, "L'état, c'est moi." That is what she is doing with the Bill, but as representatives of the British people, sent here with a democratic mandate, we say, "L'état, c'est nous." We are the legislative force in this country; no sun king or sun queen will be created on our watch, and we will not give up our parliamentary democracy without a fight.

It is perfectly possible to recognise and respect the result of the referendum without sacrificing hard-won economic, social and environmental rights and freedoms. As we have heard, at the general election the people declined to give the Prime Minister the majority she sought. Through the general election, the people have already rejected a hard Brexit, so the question before us tonight is: who governs Britain—this Parliament, or a Prime Minister reliant on some hard-liners in her party and on the Democratic Unionist party, which she is paying whatever it demands to get her laws through?

Clause 9 would allow Ministers to introduce regulations to make any provision that can be made by an Act of Parliament, including modifying this legislation, a huge power that will last right up to exit day. It is therefore the great power grab Bill, which will create an infinite legislative loop: the powers can be extended infinitely to amend laws, through delegated legislation, with no scrutiny. The fact that the power to amend this Act lies within it means that the Bill can eat itself; it is like a constantly regenerating loop in some science fiction nightmare, providing new powers *ad infinitum* at the whim of whichever Government are in place at any given moment.

We have seen this before, because the Government have form. They did not want to give this place a vote on article 50, or on the final deal. They fought at every turn to frustrate this House in overseeing what they are doing, and frustrate us in our duties and responsibilities to our electors. The powers in clause 9 will end on exit day, but the Bill allows exit day to be set by Ministers, so those powers could continue for many years—indeed, there could be several exit days. That is not how we make laws in this country. We also have money and

[Mary Creagh]

Ways and Means motions before us tonight that mean that Ministers can spend any sum or raise any tax as a result of this Bill. As well as being a legislative blank cheque, the Bill is therefore a literal blank cheque for the Government. That is not how we make laws in this country.

All these new laws made by delegated legislation can be amended by delegated legislation. The Government say that there will be opportunities for scrutiny, but they want a majority of one on all Delegated Legislation Committees, so that they can rubber-stamp the delegated legislation, despite failing to win a majority at the general election. That is not how we make laws in this country. The Bill can create new criminal offences under the negative resolution procedure of things such as food adulteration or trading illegal chemicals. New criminal offences will be made with no parliamentary scrutiny. That is not how we make laws in this country.

This Bill should protect our hard-won social, environmental, political and economic rights. In fact, it guarantees nothing of the sort. Even if those rights are somehow replicated in the future, the Bill is silent about remedies, and it is the remedies, not the rights, that are the spur to action. The threat of EU fines led to us taxing waste that goes to landfill, which kick-started the recycling industry in this country. The threat of massive fines for filthy air pollution has led to the Government publishing not one, not two, but three clean air plans. The threat of fines under the water framework directive has led to UK water companies cleaning up our filthy beaches and rivers. Those environmental improvements and industries were created because the threat of financial penalties focused the minds of Ministers and civil servants. If there is no remedy for the citizen, the right that the law confers is toothless.

The Secretary of State for Exiting the European Union said on Second Reading that the Government would introduce proposals. Why are they not in the Bill? How many rights that we currently enjoy are threatened by the Bill? Francovich will not apply to the individual, so future rights will be removed from citizens. The *acquis communautaire*, which we have adopted, refers to the environment, but a third of it cannot be neatly cut and pasted into UK law.

Helen Goodman: Is my hon. Friend concerned that the replacement of the European Environment Agency by national bodies with massive powers would also be handled in that way?

Mary Creagh: My hon. Friend makes an excellent point. We will not simply be able to cut and paste chemicals measures. REACH is the big regulation on registering, evaluating and authorising chemicals. It protects the public and the environment from hazardous substances and it is vital to British jobs, growth and investment. Our chemical industry is the second largest exporter to the EU after cars, selling £15 billion of chemical exports to the EU every year. Leaving REACH could cause market freeze and supply chain disruption to the industry. The Environmental Audit Committee heard from techUK and the defence industries how incredibly concerned they were about that. One in five UK chemicals companies represented by the Chemical Business Association are not waiting for regulatory certainty from the Government,

and are already investigating opportunities to set up shop in other EU countries, harming jobs, investment and growth in this country.

The Bill does not protect the citizen and it does not incorporate either the principle of EU law that the polluter pays or the precautionary principle. For those reasons, for the vast destruction of our environmental and social rights, I shall vote against the Bill.

8.22 pm

Luke Graham (Ochil and South Perthshire) (Con): It is good to follow the hon. Member for Wakefield (Mary Creagh), but I want to turn from sun kings and queens to what the Bill is about: giving the House the mechanism to begin the process of withdrawal from the European Union.

Unfortunately, the hon. Member for Bishop Auckland (Helen Goodman) is about to leave the Chamber. I agree with some of the amendments she has suggested, but I would like to ask her why they have not been tabled. I will stand by the Bill.

Helen Goodman: The process is that amendments can be tabled after Second Reading tonight. We cannot table amendments until and unless the Bill completes Second Reading.

Luke Graham: To clarify, there is an amendment on the Order Paper, and I would suggest that some of those provisions should have been included in it.

As many hon. Members across the House have said, we would be open to some of the suggested amendments. The Government have committed to listening to the amendments and reacting to them as the parliamentary process progresses. There have not been many constructive measures from the Opposition, so, with other hon. Members, may I suggest that if they respect democracy, the Bill and the vote of the British people they should vote for the Bill? I say that as someone who voted remain, along with many of my constituents. However, as a democrat, I will support the Bill to make sure that we go through the process.

Clauses 7, 8 and 9 delegate considerable powers to Ministers. On Thursday, many Opposition Members said that the delegation of powers was unprecedented, but I draw their attention to section 32(4) of the Immigration Act 2016, which allows Ministers to “make such provision amending, repealing or revoking any provision...as the Secretary of State considers appropriate in consequence of the regulations.”

Although provisions in the Bill are wider in scope, they are not entirely unprecedented; I wanted to draw that to the attention of the House. I understand even as a new Member that there is a lot of politics at play in our discussion of the Bill, but it is complicated enough. Our constituents do not want us to blur lines; they want us to clarify them. I would urge Ministers and other hon. Members to decouple myths from facts. There have been people in Henry VIII costume on the lawns outside the House trying to grab airtime, and “Westminster power grabs” creates headlines, but what our constituents really want is for us to honour the vote and get on with delivering the best possible Brexit.

May I suggest to Ministers an example of where that would be particularly helpful? The Human Rights Act 1998 appears to be protected under clause 7(6). Some Opposition

Members are thinking about opposing the Bill because it does not transpose the EU charter of fundamental rights, but I am assured that all rights contained in the charter are in the Human Rights Act or other pieces of legislation. To help clarify that point, I urge Ministers to list the protections in current British law, so that we can compare and contrast them with those in the charter of fundamental rights and give assurances to Opposition Members that those rights are protected. We can then take those assurances back to our constituents, who care a lot about this.

The Bill represents the democratic vote of the United Kingdom. As I have said, I support it, but I hope that the Government act on their commitment to listen to learned colleagues in all parts of the House to ensure that substantive measures in the Bill receive the appropriate level of parliamentary scrutiny as the Bill proceeds through the House. If the Government establish a clear framework of strong parliamentary oversight, I hope that we can engage with the detail of the Bill, and finally introduce the substantive Bills that hon. Members and our constituents care about, including Bills on immigration and trade.

Alan Brown (Kilmarnock and Loudoun) (SNP): Will the hon. Gentleman clarify why his colleagues think it reasonable for the Government to argue that there should not be a border in Northern Ireland—Northern Irish citizens will continue to be able to claim Irish citizenship, which will allow them to become EU citizens—with special arrangements there, but not one of them is arguing for special arrangements for Scotland?

Luke Graham: That is not in the Bill. There is protection for the Belfast agreement under clause 7(6). We can go through that, but Scotland is a completely different situation, as the hon. Gentleman well knows. [*Interruption.*] Again, if we can complete Second Reading tonight, the Bill will go through subsequent stages, and we can get to substantive debates on immigration, trade, customs, agriculture and the issues that remain and leave voters in my constituency want us to tackle.

8.28 pm

Geraint Davies (Swansea West) (Lab/Co-op): I am pleased to follow the hon. Member for Ochil and South Perthshire (Luke Graham), who knows that people who voted for Brexit did so for a number of reasons. Some of them wanted, and expected, more money, which they were promised—£350 million a week—but now they face a debt of something like £50 billion. Some of them voted leave because they thought that they would still have a job, as we would have access to the single market, but now we know that we will not have unfettered access. Some of them voted for Brexit fundamentally because they thought that we would take back control with enhanced parliamentary democracy and with enhancement and supremacy of our courts.

The Bill does the opposite of what people expected for parliamentary democracy and the enhancement of our courts. What have been referred to as Henry VIII powers—new powers given to Ministers to change legislation as they deem appropriate, without consultation or reference to Parliament—mean that there will be fundamental changes without MPs having a look-in. Moreover, the legislation is drafted so broadly that it does not allow the courts effectively to use the right of

judicial appeal to limit and constrain Government. There are no mechanisms to enforce the rights and protections we currently enjoy from Europe.

In practice, this may influence workers' rights. The workers' agency directive, which was pooh-poohed by the Government and the Beecroft report, is likely to be ruled out. On the environment, where 80% of the law is decided at EU level, the Government are currently in court under EU legislation in relation to the air quality directive and face fines if they do not fulfil their obligations. Under clause 17 of the Bill, a Minister can simply say, "Well, those EU regulations are inappropriate so we'll get rid of them." As for human rights, the fundamental charter is not assured. Any of our rights can be just crossed out by Ministers. On consumer rights, my hon. Friend the Member for Wakefield (Mary Creagh) mentioned REACH. The directive requires all chemical companies to prove that a chemical is safe before they market it. A Minister could cross that out and introduce the American system, which instead requires an agency to prove a chemical is hazardous. That is why asbestos is still legal in the United States and it might become so here. Far from enhancing Parliament, we are open to having our rights and protections stripped away.

The Bill's aim was supposed to be to cut and paste, or transfer, rights, protections and laws. Nobody is arguing that that should not happen. The question is: can it occur without a massive power grab and so-called Henry VIII powers? I suggest that it can, but it needs four changes. I hope the Minister is listening. Several changes are needed to be able to achieve the transfer without the use of those draconian powers. The changes are: first, to ensure that the Bill enshrines the continuation of rights and protections in EU law; secondly, to have enforcement mechanisms in place for those rights which will be taken away when the EU institutions are taken away; and thirdly, to state in the Bill that the measure is not intended to impact on human rights and to ensure that, in any case where our rights and protections are challenged, they are referred to a Select Committee process. Most measures will be technical, but when there is a challenge to basic rights and protections we need something akin to a turbo-charged European Scrutiny Committee. I hope the Secretary of State is listening. That Committee can currently refer for debate any new EU legislation. That right should be enhanced, so that measures can be referred, amended and voted on here.

Fundamentally, we are talking about British values. The Prime Minister talks about British values and there are no more fundamental British values than parliamentary democracy and the rule of law. They are both unnecessarily under threat. If the Bill goes through as currently drafted, it will be a Trojan horse for well-armed Brexiters to get rid of parliamentary democracy and the rule of law as we know it. That is why they need to be disarmed.

There is no justification for the way the Bill is currently drafted. It should be taken back in its entirety. It can be brought back in October to cut and paste the particular safeguards. My own view, as hon. Members will know, is that as people voted for Brexit in good faith for a number of reasons that have not now materialised, they should have the right to have the final say on the exit package, to judge whether it stacks up against their reasonable expectations. That is what democracy is about. The Bill is about the destruction of democracy and I will vote against it wholeheartedly tonight.

8.33 pm

Huw Merriman (Bexhill and Battle) (Con): It is a great pleasure to follow the hon. Member for Swansea West (Geraint Davies).

I believe that this is the first speech I have made on Britain leaving the European Union. The reason for my remaining unusually silent in this place is that back when the referendum was announced, I took a decision to not go to my constituents and tell them which way they should vote, but to try to remain impartial and provide them with information on both sides of the argument. I did so as a point of principle. I took the view that, having asked people to vote for me in 2015 so they could have a referendum, I wanted it to be their decision as to how their vote should be determined. I wanted to bring them information. I did so by holding 10 debates across the constituency and by going to 25 schools in the final week. I was, of course, very willing to give my own view as to which way I was going to vote, so at 9.59 pm on referendum day I announced that I had voted to remain. I then found out that 60% of my constituents disagreed with me, because they had voted to leave.

Having tried to provide information on what article 50 would mean in the event that we left and what the Prime Minister's reformed EU would look like if we remained, I took the view that I was duty bound to follow the mandate given to me by the people. That is why I voted, along with 498 Members, to trigger article 50. Having said that I would follow that instruction, I am now duty bound to become greatly and passionately interested in the shape of our EU departure. I very much intend to do that.

I am still drawn to the Norwegian argument that those on the remain side used as a reason why we should stay. We do not want to be a member of the single market, but be unable to influence its shape and have to pay into its obligations. I still find that an attractive argument and that is why I now advocate leaving the single market and the customs union. I firmly believe that the way we can shape the new future is not by trying to look back at the past, but by forging a brand new future.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Does the hon. Gentleman not then agree with the Scottish Conservative leader, Ruth Davidson, who said on 7 September in *The Spectator* that the UK should stay in the single market?

Huw Merriman: The hon. Gentleman will have heard me when I said that I believe we should leave the single market. I can pinpoint the particular reason. If we are going to follow the instructions our constituents gave us, at least let us be bold, ambitious and look outside the club of 27 member states who, frankly, have not allowed some of the poorest countries to trade with that block. We should now set our sights on helping those countries and forging links with them in a way that has not been possible thus far. There is, therefore, an ethical reason for leaving the single market and the customs union, and for forging a new way forward.

As one of the 498 MPs who triggered article 50, I look at the approximately 150 MPs who were not willing to do so. I can perhaps understand why they are not willing to support Second Reading. The Bill will preserve

all EU law when we leave the EU. The 150 MPs do not wish us to leave the EU, so I can see, logically, why they are not willing to vote for Second Reading. I would, however, just make the point that it was the same ballot box that returned them to this place that they choose to disregard when it comes to the referendum. That leaves us with the remaining 498 MPs. We hear that many of them will not support Second Reading this evening. I can understand those who always wished the UK to leave the EU not wanting to retain EU laws but to get on with repeal straightaway, but I have not heard any voices on either side of the House advocating that position. I am working on the basis, therefore, having heard of no other mechanism for retaining EU law on day one, that there is no alternative to the Bill.

Why, then, will hon. Members not vote for the principle of the Bill on Second Reading? I am saying not that the Bill cannot be improved but that the Government will listen to ideas on how it can be improved—I can testify to that having had a conversation with the ministerial team today and fixed a meeting to walk through some of those improvements. On clause 6, for example, on the interpretation of EU law following departure, I have concerns that the lower courts will be required to follow retained EU case law and retained EU general principles. It appears that they will not be able to depart from EU case law but that the Supreme Court will. If a decision is taken by the lower courts on EU general principles, however, will the Supreme Court be able to depart on that basis?

There are issues to iron out, therefore, but notwithstanding all the intelligent arguments we have heard from lawyers in this place, the prime driver for me is the need to make suggestions and make this work. It behoves us to make it work. In a previous job, I took many cases through the court process, including the Supreme Court, and the more assistance we can give the Supreme Court with interpretation and the smooth administration of law, the greater the benefits we will all reap in the future.

But that is for another day. Tonight is all about whether we are willing to see all preserved EU rights and laws retained on day one, so as to deliver a smooth departure, retain the rights that many hon. Members want retained and ensure that we make a success of our leaving. I was willing to listen to other arguments, but I have heard none advanced, apart—I am afraid to say—from pure politics. I do not believe that our constituents, regardless of which way they voted, want politics on this subject; they want us to get on with the job and deliver a successful Brexit, not just for them but for the country and world at large.

8.41 pm

Hannah Bardell (Livingston) (SNP): Mr Deputy Speaker: “the Scottish Parliament, which adjourned on 25 March 1707, is hereby reconvened.”—[*Scottish Parliament Official Report*, 12 May 1999.]

Those were the words of Winifred Margaret Ewing, elected to the House of Commons 50 years ago this year, and more fondly known as Winnie and, to her EU friends, Madame Ecosse. To this day, Winnie is the only parliamentarian of these islands to have been a Member of the Scottish, British and European Parliaments, and she will be the only person who will hold that accolade.

It is almost 20 years today since Scotland said yes to a Scottish Parliament with devolved powers under a settlement that stated that everything was automatically devolved unless it was explicitly reserved. Despite what was said earlier, those powers were not notional. As the First Minister of Scotland, Nicola Sturgeon, rightly said in her speech this morning, this Bill

“threatens the very principle on which our Parliament is founded”. In its current form, the Bill is a reversal of devolution.

Although I am a pretty positive person, I am struggling to find light among the Brexit process. After a summer of meetings with businesses and trade bodies in my constituency and across Scotland and the UK, aimed at understanding their hopes and fears about Brexit, I find it hard to see good in any of it. The retail sector in my constituency employs a lot of EU nationals. Let me take the insurance and aviation sectors as an example.

Dr Philippa Whitford (Central Ayrshire) (SNP): As my hon. Friend knows, I have an airport and an important aerospace cluster in my constituency. Is she not concerned about the loss of open skies and the European Aviation Safety Agency? We might not be able to pass the engines, but perhaps that does not matter, because we will not be allowed to fly anyway.

Hannah Bardell: I share my hon. Friend’s concerns, and I am sure she shares those of the insurance sector, which cites aviation as a relevant example because national airlines based in any EU country require a range of specialist insurance cover. Most of that is a mandatory requirement for operation. The UK insurance market is the only location with the specialist aviation insurance knowledge and financial capacity to provide the full coverage for all the risks faced.

Stephen Kerr: Will the hon. Lady give way?

Hannah Bardell: I will not at the moment. I am going to make some progress.

To put it simply, planes will not be able to take off, as my hon. Friend the Member for Central Ayrshire (Dr Whitford) identified.

There is concern that the UK Government might use clause 8 to trigger article 127 of the European economic area agreement, immediately ripping away the UK’s access to the free movement of goods, people, services and capital. As the days pass, the fear and concern heighten. Frances O’Grady, the general secretary of the TUC, said this morning—she was adding to the list of Brexit superlatives—that the Conservative Government were headed towards a “kamikaze Brexit”.

In a single act of complete recklessness, the Government are pressing ahead with this deficient Bill without carrying out a proper economic analysis of any economy across the UK. The people in businesses I have spoken to do not want to fall off a cliff before new trade deals can be agreed. They cannot afford to crash out of the EU or to fall back on WTO rules, which the CBI president said would open a “Pandora’s box”.

The gap between any transitional period and the start of any trade deal is also a real threat. Agriculture, fisheries and the environment are just some of the areas devolved to Scotland that will be affected by the Bill. The Fraser of Allander Institute has shown that a hard Brexit could cost Scotland’s economy and its GDP up to £10 billion and 80,000 jobs. That is almost the entire

number of people in my constituency. The Scottish Government did try to work for a compromise, presenting their proposals in “Scotland’s Place in Europe”, but they did not even receive a decent response.

Luke Graham: Will the hon. Lady give way?

Hannah Bardell: Not at the moment; I am going to make some progress.

The former Prime Minister David Cameron did not allow his civil servants or advisers even to write anything down before Brexit, and the Brexit Secretary admitted to the Select Committee that there had been no proper assessment of the economic consequences if there was no deal. What a reckless and incompetent way to run a Government or a country! I know that some of the magnitude of this is hard to comprehend, but to go to the people of this country with no proper impact assessment and no proper detail is absolutely scandalous. The Conservative Government pledged to produce a repeal Bill to

“allow a smooth and orderly transition as the UK leaves the EU”, but this Bill seeks to undermine the devolved settlements and offers no guarantees to the devolved nations on the protections of their powers.

Michel Barnier told a press conference recently that there had been no “decisive” progress in talks with the UK at the conclusion of the third round of negotiations. While the Government are faffing about, time is not on the side of people, businesses and our industries. Perhaps even more damaging than the tardy approach to the negotiation of a transition is the admission that the Government have turned down countries wishing to strike trade deals after Brexit because they—the Government—do not have the capacity to negotiate them. Furthermore, since the Government’s approach to immigration was leaked, there is now a real risk that the transition period could be under threat.

Those in the legal profession have also raised concerns. Lord Judge, the former Lord Chief Justice, has warned that Parliament faces a legislative tsunami without the time to scrutinise legislation properly.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): My hon. Friend prays in aid Lord Judge, but it is fair to say that he is not the only senior magistrate to have problems with the Bill. Referring to clause 6, Lord Neuberger, the outgoing president of the Supreme Court, has said that if the Government

“doesn’t express clearly what the judges should do about decisions of the ECJ after Brexit, or indeed any other topic after Brexit, then the judges will simply have to do their best. But to blame the judges for...making the law when parliament has failed to do so would be unfair.”

He is right, is he not?

Hannah Bardell: Yes, he is.

The Government had to be dragged through the courts even to give Parliament a say on the triggering of article 50. What hope have we that we will be able to scrutinise properly the 19,000 laws and regulations that will be coming back from the EU? Last week the Scottish Government announced an ambitious and inclusive programme for government that put carbon capture back on the table after the failure of the UK Government in that regard, and committed to establishing a Scottish investment bank.

Stephen Kerr: Will the hon. Lady give way?

Luke Graham: Will the hon. Lady give way?

Hannah Bardell: The UK Government should be delighted, but what have they been doing? They have been doing Brexit—just Brexit, and nothing else—and they cannot make progress with that. That is what doing the day job really looks like, and as we get on with the day job in Scotland, Westminster will be bogged down in nothing but Brexit.

Luke Graham: Will the hon. Lady give way?

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Mr. Graham, you have already spoken. If the hon. Member for Livingston (Hannah Bardell) wishes to give way, she will indicate that to you, but I certainly do not need you to be hanging on and on your two feet for the rest of her speech.

Hannah Bardell: Thank you, Mr Deputy Speaker.

This Bill threatens the very foundations and transparency of our democracy. There are voices of agreement and consensus around the Chamber, and it is incumbent on us to work together when we can find agreement, but the Bill, and the Tory Government's antagonistic approach, give little space and opportunity for any collaboration. With no clear answers to the issues of EU nationals' rights, with the charter of fundamental rights and single market membership under threat, and with no detailed economic analysis of the effect of the UK's leaving the single market, the Bill is a wrecking ball for British democracy and the cross-party working and consensus that created the Scottish Parliament.

The Government cannot hide behind this "what the people voted for" line, because the reality is that no one really knows what they voted for. There was no White Paper, there was no positive proposition, and there was no detail—nothing was written down. Many who voted for Brexit are now full of regret and frustration because they were sold a pup. We will not stand by and support this Bill. We will not give it a Second Reading, because two decades after Scotland voted for a Scottish Parliament, and giants of Scottish politics such as Donald Dewar and Winnie Ewing ushered in a new era of positivity that has benefited everyone in Scotland, the Bill is the biggest power grab since devolution. We in the SNP will not stand by and allow Scottish democracy and our Parliament's powers to be eroded.

8.49 pm

Ms Nusrat Ghani (Wealden) (Con): It is an honour to follow the hon. Member for Livingston (Hannah Bardell), who gave an interesting speech.

Without the iconic and much-loved bongos of Big Ben, the Palace of Westminster might appear to be diminished, but the European Union (Withdrawal) Bill will ensure that this Palace is more sovereign and more accountable, with or without its hourly chimes. The Bill will restore this nation's sovereignty, the supremacy of this Parliament and the self-determination of the British people. The final word on law will be ours, and I am happy to trust the judgment of our Supreme Court rather than that of the European Court of Justice. The British people will ultimately be entirely in control of

the direction of our country. If they do not like what they see here in Parliament and do not feel represented by their MPs, they can vote us out. That is not the case for unelected, unaccountable Eurocrats.

This Bill is the logical next step in leaving the EU—what the public have trusted us to do. The key point of this Bill is to provide certainty as to how the law will apply after we leave the EU. This is an unprecedented period in our history, which is why so much has been, and will continue to be, debated, but to vote against this Bill is purely political game playing and ignoring the will of the British public. The public have a right to ask objecting Members who argue against converting EU regulations and law into domestic law on exit day where their objections were when the laws were enacted in Brussels and enforced on us in the first place.

The Bill maximises stability and certainty, which is what our economy needs and what our businesses require and deserve. The Bill ensures that consumers have clarity about their protection, that employees have clarity about their rights, that businesses have certainty, and, fundamentally, that rights and protections are enforceable through the UK courts, which are renowned the world over.

Many Wealden businesses and farms from Hailsham, Uckfield and Crowborough have raised their concerns over EU red tape. Many Wealden businesses are small. Like the national average, only 5% export to the EU, but 100% are caught by red tape, which makes setting up, recruiting and exporting more difficult. Brexit and this Bill start an opportunity to create business and farming environments that work for all businesses, whether they are global or just local.

I impress on the Government the need to consult business representatives fully. In Wealden we have dozens of vineyards, many farms and cutting-edge science and tech businesses. They should be consulted and their concerns should be addressed. Consultation is key in these exciting times ahead for the UK outside the EU.

Brexit presents us with not only an opportunity to become a sovereign nation once again, but countless opportunities beyond our own waters. Negotiating as one country, we can strike free trade deals unhindered by the need to get the signature of 27 other countries. We will be able to agree our own terms with not just our friends in Europe, but the ambitious entrepreneurialism of the rest of the world. I cannot be the only Member who believes that the patronising, out-of-touch and out-of-date European elites need to get over their obsession that the future lies solely in western Europe. In reality, it is Asia, Africa and South America that are brimming with the skills, ability and talent that will shape this century. We have an exciting opportunity to trade in goods and expertise, and to help to share prosperity in not only this country, but these new emerging markets.

I seem to have an extra moment to speak, so I shall also touch on Michel Barnier, as the hon. Member for Livingston referred to him. Michel Barnier's recent comments about our moral and legal obligations to support development in third-world countries has not gone down well in my constituency. As one of only five EU member states to meet the UN's 0.7% foreign aid spending goal, and just one of four to meet NATO's 2% spending target on defence, we will take no lectures from Brussels about supporting those less fortunate than us. My constituents want to know who are Brussels

to talk to us about supporting developing nations when the common agricultural policy has for so long immorally and unfairly held African farmers back. Brexit allows us to treat Africa as equals and enables people there to decide their own destiny without financial discrimination from European elites.

Opportunities abound with Brexit. Although the media narrative and some Opposition Members suggest that it will be doom and gloom, I do not see things that way. I admit that some of what we hope for will be difficult, but I will never accept judgment for being ambitious for my country.

Daniel Kawczynski (Shrewsbury and Atcham) (Con)
rose—

Ian Paisley: Will the hon. Lady give way?

Ms Ghani: I am so sorry; I have been told that I need to crack on because of the time. I do apologise.

The Bill allows for an orderly exit from the EU. A vote against it is a vote for a chaotic Brexit, and such a vote would be irresponsible and undemocratic. That is not what the country voted for. Our job as parliamentarians is to deliver a smooth exit from the EU. I will be supporting democracy and respecting the will of the British people by supporting the Bill tonight.

8.55 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): I congratulate the shadow Secretary of State, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), on the common-sense position that Labour has adopted on EU withdrawal and on this democratic travesty of a Bill. We certainly look forward to seeing him in my constituency, where his appearance next month is eagerly awaited.

Following the referendum, it is sadly clear that we will end our formal membership of the European Union. The question is how and what the future holds. As far as our country's future relationship with our neighbours is concerned, Brexit should never become synonymous with "break it", which, thankfully, only a minority of people want. There has to be a transitional agreement with the EU, as it will be impossible to reach a comprehensive deal at all levels by the end of March 2019. Common sense says that such an agreement should include our remaining in the single market and the customs union. The Prime Minister's policy stance means that the Bill is inimical to that common-sense course. That is the effect of clause 9, and that is a good, substantial reason to oppose the Bill.

The Government have not yet allowed a meaningful vote in Parliament on the terms of our withdrawal before the Bill implements those terms. That is another good, substantial reason to oppose the Bill. I voted consistently against triggering article 50 in the absence of assurances about that, about the rights of EU nationals who are already here and of our citizens on the continent, and about much more besides.

Like the right hon. and learned Member for Rushcliffe (Mr Clarke), I did not vote for the referendum legislation in the first place, because I thought it was a thoroughly bad idea, as it is certainly proving. I certainly will not vote to give this dreadful Bill a Second Reading tonight, but I will respect the referendum result by voting for the

reasoned amendment. This flawed piece of legislation, with its flawed approach, needs to go back to the drawing board and return in better shape in October.

I will not dwell on clause 7 or any other clauses for too long—they have been well and truly dissected by many good speeches already—but I will show my constituents, to whom I will have to explain my votes, that I have indeed read the Bill by saying that when I got down to clause 7(2)(f)(ii), my jaw, which I had already prised off the ground, bounced off terra firma again. I will explain to my constituents why. To take one example, that clause proposes—in a modern parliamentary democracy, not a feudal, despotic monarchy—that a Minister of the Crown will have the power to issue regulations, which could not be changed, to correct parts of law that he or she does not consider "it is appropriate to retain".

And so the Bill goes on. That is not just profoundly undemocratic; as hon. Members have already pointed out, that approach to vesting such sweeping powers and discretion in this particular Executive flies in the face of the message sent by the British people in June.

The Prime Minister called that opportunistic, unnecessary election, confident that it would deliver her an increased majority, a highly personalised vote of confidence and a mandate to do what she pleased. But she was rumbled and found wanting—it did not. The country said, "No way" to "My way or the highway." Our country would certainly not want us to vest in a minority Government the powers in the Bill, which might affect so many lives with minimal parliamentary oversight. If we do grant them, people will ask us—they are already—what is the purpose of electing MPs in the first place.

Let us take a look at some of the Ministers of the Crown whose sparkling judgment and impeccable intentions we are asked to trust. We are told that they would include in a blizzard of regulations only technical amendments and would not try to slip through anything more fundamental or controversial. As examples, let us take the right hon. Member for Surrey Heath (Michael Gove) and his one-time friend then victim, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson). At the very top of the tree, our people gave their verdict in the general election on the Prime Minister's powers of judgment. Every fortnight, there is a very funny column in *Private Eye* from the headmistress of "St Theresa's Independent State Grammar School for Girls (and Boys)" now incorporating the "William III Orange Academy". Just where are the two right hon. Gentlemen I mentioned who gave such a tour de force of alternative facts with bravado during the referendum? Well, they are back at the heart of the staffroom. What successful school rewards bad behaviour? It would be in special measures. What governing body would put the sort of trust that the Bill asks for in such a headmistress and her senior—I use the term loosely—"leadership team"?

Ian Paisley: The hon. Gentleman always makes good arguments, but is he actually telling us that we should just continue to accept European directives over which we have absolutely no say whatsoever? At least we can elect and change the Government here.

Paul Farrelly: The Bill asks us to transfer to the Executive what the hon. Gentleman considers a flaw without this Parliament having much of a say in what

[Paul Farrelly]

may happen. There are good reasons to oppose the Bill on the basis of clause 9 and the lack of a meaningful vote in Parliament—the Bill would allow the Government to get around that.

To continue the school metaphor, the Bill is not only unsatisfactory and in need of improvement, but wholly inadequate. The Government need to go back to the drawing board and rethink their approach. There is no mandate for a hard, cliff-edge Brexit or for shredding long-won relationships with the other 27 countries of the European Union, nor is there a mandate for a hard transition. There is certainly no mandate to hand the powers in the Bill to a minority Government and a caretaker Prime Minister. I hope that my colleagues and concerned Members on both sides of the House will vote against the Bill. Not to do so would give the Government a strong signal that they can get away with anything they like.

9.1 pm

Charlie Elphicke (Dover) (Con): I supported the remain side of the argument in the referendum, but my constituents listened politely to my advice and then two thirds of them voted to leave. A majority in this country voted to leave, so we have been handed instructions by the British people to leave the European Union and we need to respect the referendum result. This Bill is a key part of getting that ship under way. It is a process Bill that simply writes European law into our domestic legislation.

There are those who now say that we do not have enough scrutiny. However, it is strange that the European Communities Act has allowed all European law straight into our system since 1972 without any scrutiny in this House whatsoever. They did not complain about that, but they are suddenly worried about scrutiny. If we scrutinised and debated each and every one of the thousand statutory instruments and called them all in under the prayer motion procedure, we would do nothing between now and Brexit day but discuss the intricacies of writing bits of European legislation into our domestic legislation. I cannot speak for anyone else, but none of my constituents has asked me to do that. My constituents have not raised their determination for us discuss the minutiae and process of putting European legislation into our legislation. Has anyone else had a constituent say, “Between now and Brexit day I want you to discuss getting European law into our legal system”? I very much doubt it.

My constituents have asked me, “How can we ensure that we do not have to pay too much money? Does the EU have a legal case to demand money from us for the Brexit divorce bill? Does it have a case to demand £50 billion or whatever it is from us?” So I spent some time doing some research. I looked at the matter carefully with the eminent Martin Howe, QC, and we concluded that the EU has no claim at all as a matter of law. In fact, a compelling argument suggests that we are owed €10 billion by the EU for the return of our stake in the European Investment Bank, but we do not hear about that from the Opposition. We do not hear them making the case for scrutiny of the divorce bill to try to get some taxpayer value—not a bit of it.

Then, my constituents raised with me their concern about whether there might be queues on the roads to Dover and problems with trade when we leave the

European Union, to which I say it is important that we are ready on day one, and that we are prepared for Brexit day, deal or no deal. That is a prime concern of my constituents, because gridlock at Dover means gridlock for the UK economy as a whole.

It is very much in the national interest that we focus on being ready on day one, but we do not hear about that from the Labour party, either. We do not hear any constructive ideas whatever about how we can be ready on day one, how we can make a success of Brexit or how we can ensure that we do not have to shell out too much taxpayers’ money. No, what the Labour party wants to do is scrutinise process, because it does not have a clue.

The people of Britain clearly said we should leave the European Union, and they gave a clear instruction that they want to end uncontrolled EU immigration. That means that, yes, we have to leave the European Union’s internal market. They gave a very clear instruction that they want our trade policy to be made in Britain, not in Brussels. Yes, that means we have to leave the customs union, but it does not mean we cannot discuss a free trade agreement with the European Union, and that is what we should be focusing our time on here. Rather than discussing process or the scrutinising of laws that already exist just so they can be written into our legal system, we should be discussing how we will have relations with the European Union in the years after we leave, because that is what matters to our constituents.

The prosperity of our people, the success of our businesses and the lifeblood of our economy is about making sure we foster international trade not just with the European Union but with the wider world. That matters because 80% to 90% of all global growth in the years to come will not come from Europe. Those are not my figures, and it is not my argument—they come from the European Commission in reply to questions raised in the European Parliament.

Daniel Kawczynski: Clearly we want to ensure a reasonable win-win trade deal with the European Union, but is my hon. Friend aware of reports that, if we fail to get that deal and we go to WTO terms, our Exchequer will benefit by £13 billion a year from the taxes charged on imports from the European Union?

Charlie Elphicke: My hon. Friend makes a powerful argument. There are those who say that we have to beg Europe for a deal. Last time I looked, the European Union had a £100 billion surplus on trade in goods with the United Kingdom. If there were tariffs, European exports to Britain would be hit by £13 billion, whereas our exports to Europe would be hit by only £6 billion. That shows why it is in Europe’s interest to do a free trade deal, and why it would be an economically illiterate act of self-harm by the European Union not to want to do a trade deal. If anything, a trade deal is more in the EU’s economic interest than it is in ours.

Those are the hard numbers, and that is where the House should be focusing. If we want scrutiny, we should scrutinise how we can reduce the divorce bill, ideally to nothing. We should scrutinise how we can make sure we have a positive relationship with the European Union in the years to come, how we can have free trade, how we can have trade across the rest of the world, and how Britain can be positioned to grow so that our sons and daughters can have the kind of future

that they expect us to build for them. That is why we need to approach this positively and thoughtfully, and it is why we need to apply scrutiny to the things our constituents care about, rather than process.

9.8 pm

Hywel Williams (Arfon) (PC): I apologise for missing the first few minutes of this debate.

It is a pleasure to follow the hon. Member for Dover (Charlie Elphicke), who is occasionally my hon. Friend. I remind him that gridlock in Dover is the same as gridlock in Holyhead, Ynys Môn and across north Wales, which causes gridlock for the English economy because so much traffic passes that way. That subject has been even less discussed than gridlock in Dover.

I have only one substantial point to make, which is that the Bill threatens the constitutional settlement between Wales and England, and it seemingly does so almost as an afterthought: Brexit is the issue but, by the way, we are unravelling the last 20 years of careful and moderate devolution, irrespective of the views of the majority of people in Wales, as expressed in two referendums.

I am referring not to the rushed duplicity of the June 2016 referendum, but to the two substantial referendums in Wales specifically on the devolution issue, after decades of the most detailed debates and campaigning. This was not change as an afterthought, when the consequences of the decision on Brexit are beginning to become slightly clearer; these were referendums on devolution itself. Perhaps I need to remind Government Front Benchers of the results of those referendums on the sort of government we want in Wales and with what sort of powers. The first was carried narrowly in 1997 and the second, on a modest extension of powers, was carried overwhelmingly in 2011, with the support of all parties and with the no campaign having degenerated into an obsessional, deluded and irrelevant rabble—I am sorry to see that the hon. Member for Monmouth (David T. C. Davies) is not in his place to leap up to correct me.

That is the status quo that this Conservative Government either seek to overthrow or might overthrow by mistake, as carelessly as they might toss a cigarette into a pail of petrol. They will argue, correctly of course, that the Brexit referendum is the superior authority to the devolution referendums, but I take that argument, as will many people in Wales, as exposing the true nature of the relationship between our two countries. It is one not of respect, but of heedless and thoughtless power of one over the other. The “Encyclopaedia Britannica” was wholly right in the index of its first edition when it said “For Wales, see England”.

The current devolution settlement is framed in the context of the UK’s pre-existing membership of the EU. By facilitating leaving in this way, the Bill, as drafted, redefines the UK constitution by default; it creates a new body of law and gives Ministers power to change law as they see “appropriate”, as we see in clause 7(1). The Bill intercepts and retains the returning EU power and funds, and maintains what are the responsibilities of the Welsh Assembly, such as agriculture and convergence policy—as London matters. The Bill amends the devolution settlement so that the devolved Governments will have to accept whatever the Minister here decides, including in respect of the provisions of the Wales Act 2017,

which has not even come into force. Many hon. Members who spent a great deal of time on that Act may ponder why on earth we bothered.

I wish to go off on a slight tangent now about the offer or suggestion of having a triage system. I took part in a system that was similar but not exactly the same—hon. Members can look this up if they please—when we looked at the powers being transferred to the Welsh Assembly before legislation gave it those powers. Under this legislative competence order system, members of the Welsh Affairs Committee sat to ponder various bits of legislation and the various powers that would be transferred to Cardiff. This led to some powers of great importance, such as those relating to mental health, being passed with scarcely a murmur, while other far more contentious matters, such as those relating to the Welsh language, were discussed endlessly. They were eventually agreed to, as we had expected, but it was delayed and delayed for political purposes.

We have been told that the Bill is a “technicality” and a “temporary necessity” and we are asked to extend our trust, but I would say that we are being asked to extend our credulity much too far. Both the Welsh and Scottish Governments have said that they cannot grant legislative consent to the Bill in its current form. I have written to the Welsh Secretary asking him what will happen if consent is withheld by the Welsh Government and the Scottish Government. My hon. Friend the Member for Dwyfor Meirionnydd (Liz Saville Roberts) asked him about this issue again at Welsh questions last week, but we are yet to get a clear reply. So this is how a constitutional question lurches towards a constitutional crisis. We should avoid it, and it is avoidable if the Government would be more open. Their manifesto in the 2017 election promised not to “devolve and forget”. Through the incompetence and arrogance, I fear that they are forgetting devolution, and we on the Plaid Cymru Bench will oppose their folly.

9.14 pm

Jack Brereton (Stoke-on-Trent South) (Con): Stoke-on-Trent voted overwhelmingly to leave the European Union: the proportion was higher than in any other city, with 70% of people voting to leave. That is why I will vote to support the Bill tonight.

The people of Stoke-on-Trent South voted for me and the Conservatives for the first time in 82 years because we demonstrated our trust in the public’s judgment in voting to leave and are the only ones with a strong, credible plan to deliver Brexit successfully. In electing me to this place, my constituents were clear in their rejection of the previous Labour MP and his attempts to disrupt and delay the Brexit process. My constituents who voted to leave in the referendum did so for a number of reasons, including economic, social and political ones, but the clear shared message from the general election was that constituents in Stoke-on-Trent South do not want to be worse off as a result of our leaving the EU. There is a feeling in Stoke-on-Trent of being left behind, with the EU remote and distant. People struggle to see the economic benefits. I am determined to be a strong representative of what my constituents voted for.

In leaving the EU, we must maximise new opportunities in Stoke-on-Trent and support our businesses to improve skills and jobs and boost prosperity. Critical to that is ensuring that we make a success of leaving. We must

[Jack Brereton]

create some certainty and get on with putting forward the necessary legislation. What I hear from businesses in Stoke-on-Trent South is a need for certainty. The Bill will create an orderly processes to move the existing EU legislation that makes up part of the UK legal system so that it is under Parliament's authority. As my right hon. Friend the Secretary of State for Exiting the European Union said on Thursday, it will ensure that on the day we leave, businesses will know where they stand, workers' rights will be upheld and consumers will remain protected.

To delay or disrupt the process unnecessarily would be hugely damaging for our economy, businesses and jobs in all communities throughout the country. To those in the House who wish to disrupt the Bill today, or even to stop altogether the process of our leaving the EU, I repeat what several of my right hon. and hon. Friends have said: there will be further opportunities to improve the Bill in Committee. Suggestions about the need for amendments should not stop the Bill at this stage. I ask them to think of the impact on their constituents and on our country, because if the Bill is not allowed to progress to Third Reading, we will put at risk jobs and our future economic prosperity.

Businesses and my constituents want the Government to get on with the job and to ensure that we have certainty and can deliver a successful Brexit deal. Whether someone supported leave or remain is insignificant: the British public voted overwhelmingly to leave, especially in constituencies such as mine, Stoke-on-Trent South. We must respect the democratic result and work in the national interest. What matters now is that we in this House are seen to be doing everything possible to make a success of Brexit, and that we reduce the chance of disruption to our economy and seize on the opportunities that come from our leaving the EU. We must ensure that we give Ministers the ability to do that in the most efficient and effective way possible.

It is right that we scrutinise the legislation effectively, but we must also recognise the need for secondary powers to adjust EU legislation to fit into the UK legal system and to make sure it remains relevant from the moment we leave. There has already been much debate about the use of such powers, but they are necessary to make the process workable. As colleagues have said, they are well-established practices and will remain within Parliament's oversight, and there will be appropriate safeguards to limit their use.

I am optimistic about our future after we leave the EU, which the Bill will help to facilitate. As with any change, there is always some initial uncertainty, but through the Bill we can help to provide confidence about our economic future. From that point, the Government can get on and deliver the more global-trading Britain that we want to see. Businesses in my constituency share those thoughts, although some may have initial trepidation. By and large, firms in Stoke-on-Trent—especially those across our manufacturing sector—see the significant opportunities that can be realised both in striking the right path outside the EU, regaining control of our own destiny and growing our trading opportunities around the world. Only by voting in favour of the Bill tonight can we ensure that the Brexit process will move forward successfully, without delay, and guarantee a stable future outside the EU.

9.19 pm

Stephen Kinnock (Aberavon) (Lab): It is a pleasure to follow the hon. Member for Stoke-on-Trent South (Jack Brereton).

Last June, the British people voted to leave the European Union. It was an outcome that I campaigned against, but it is a decision that I fully accept and respect as a democrat. That is why I voted to trigger article 50, and I have spent the past 15 months considering how to make Brexit work. It is precisely in that vein, driven by a desire to defend and advance our national interest and to enact the will of the British people, that I have risen today to urge hon. Members to decline to give this Bill a Second Reading.

This Bill frustrates the will of the British people and it fails on its own terms. Brexit was supposed to be about Britain and her sovereign Parliament taking back control. Whatever a vote for Brexit meant, it was surely not a vote for the degradation of our fundamental constitutional values. The first principle of our constitution is parliamentary sovereignty under a constitutional monarch. That means that it is Parliament, not the Executive, that determines the rules and laws that govern this country. The Bill seeks to turn that fundamental principle on its head. Without substantial amendment, this Bill will usurp the sovereign power of this House, giving Ministers the absolute powers of feudal lords, and the Prime Minister the power of a 16th century monarch. It would emasculate this House, giving the Government, who were denied a majority in this House at the ballot box just three months ago, unaccountable power. As Lord Acton famously remarked,

“Power tends to corrupt, and absolute power corrupts absolutely.”

The relationship between the legislature and the Executive works only if it is one of equals. This Bill, if passed in its current form, would fundamentally undermine Parliament's ability to hold the Executive to account and to apply the checks and balances that are the lifeblood of our democratic processes and institutions.

If this Bill does pass tonight, we must work together across the Floor of this House to fix it. First, we need a substantive impact clause, which would codify and formalise the promise that this Bill will make only technical changes and would mean that substantive rights and protections originating in EU law could not be removed without a vote in Parliament. Secondly, we need a limitation on the use and scope of the discretionary powers in the Bill—this will likely take the form of the “necessary and proportionate” requirement—and a protection for substantive rights. Giving Ministers the power to determine what is “appropriate” is an inadequate safeguard, as it hands Ministers absolute and unaccountable power that they need justify to no one.

Thirdly, we need an enhanced scrutiny requirement. This could take the form of the “sift and scrutiny” Committee that has been proposed by the Hansard Society. Failing that, the task could be delegated to the European Scrutiny Committee, with the aid of a beefed-up explanatory memorandum. That type of amendment is required so that this House has the power to determine what will be done by statutory instrument, what by the affirmative principle, and what by the whole House.

Fourthly, there must be an institutional parity clause. Without UK institutions to take on the job of EU bodies, we will see fundamental rights removed by the

back door, having been rendered unenforceable. Fifthly, we need proper explanatory statements from Ministers. That would be a further layer of protection; it would mean Ministers having to sign an explanatory statement whenever an instrument was made under the Bill, stating that it was not intended to impact on substantive rights and protections.

Lastly, but by no means least, we need a clause to enforce the principle of presumed competency for devolved institutions. There is presumed competence for devolved institutions when it comes to enforcing EU policy at present, so competency for these matters should be transferred not to Whitehall, but closer to the people through our devolved institutions.

Amendments to cover those six areas would produce a Bill that protects the sovereignty of this House and gives back control to the people of this country, and not simply to those around the Cabinet table, but the Government have shown absolutely no willingness even to consider any such amendments. Rather, they seem determined to impose a tight time limit on Committee stage, in an attempt to ram the Bill through before anyone can appreciate its full implications.

As Lady Macbeth muses,

“What need we fear...when none can call our power to account?”.

Lady Macbeth knew that as long as her husband was on the throne, they would escape punishment for their crimes, because there was no check on their power. This Bill seeks to strip Parliament of its sovereign power, create a Cabinet of kings and transform the Floor of this House from the beating heart of our democracy into a spectators’ gallery, turning us from legislators to bystanders, wholly dependent on the benevolence of Ministers. Let us make no mistake: this Bill is not about delivering the will of the people; rather, it is about gagging our democracy and this House by way of a false discourse. It is a silent coup d’état, masquerading as a technical necessity. It is for that reason that I urge us all to decline giving the Bill a Second Reading, and the Government to return with a dramatically altered Bill that respects this House, our constitution and the will of the British people.

9.25 pm

Paul Masterton (East Renfrewshire) (Con): I am grateful for the opportunity to speak this evening. The Government must carry out the will of the British people, but we must remember that the people are not united. As the MP for East Renfrewshire—a constituency with one of the highest remain votes in the country—I will always put my constituents’ views first. Their concerns—indeed, my concerns—about what leaving the EU means for their businesses, families and futures will be heard and respected. Although I am not yet convinced that my remain vote was the wrong choice, I, like the vast majority of my constituents, do not seek to overturn or obstruct Brexit. We want it to work. It needs to work. We want to see practical, pragmatic, reasonable solutions to complex issues.

That is why I am pleased to see this Bill before the House today—a Bill that, when boiled down to its most fundamental principle, seeks to ensure that the positions at one second to midnight before we leave the EU and at one second past midnight after we have left are, so far as possible, the same. Whatever anyone’s view on Brexit,

that surely can be seen as good and necessary. We cannot wake up the morning after we have left the EU with gaping holes in our statute book, and with no one knowing what the law is, what regulations apply or what protections exist. The Government can count on my support tonight as a result.

The aims and objectives of the Bill are clear, and they are right. However, as we move forwards, Ministers must not be deaf to the issues raised in this debate from across the House, particularly those concerning the delegated powers framework, which other Members have explained in far more detail and with far more eloquence than I could. The Bill is good in intent and purpose, but it is not perfect. The right thing is to work to amend it, not collude to wreck it.

I was 13 when the Scottish Parliament opened. Devolution is all I have known. Our departure from the EU gives us a golden opportunity to deepen and enhance the existing devolved settlements. That is what was promised, and it must be delivered. Just as the EU that we are leaving is not the same beast as the European Economic Community that we joined, so the United Kingdom of 2017 is not the same as that of 1972. However, the First Minister was right when she said this morning that devolution is under threat, although that threat does not come just from a small if vocal band who think that leaving the EU means returning to the constitution of the UK as it stood 40-odd years ago. The greatest threat to devolution is from Scottish nationalists, who want to see it fail, thereby allowing them to claim falsely that separation is the only way.

The Bill, the mechanism for the repatriation of powers, and the future relationship of our Governments must be placed firmly in the present. Solutions must reflect the Union as it is and strengthen the Union of tomorrow. Our exit must reflect the reality of devolution, which is now a fundamental and permanent part of the UK. Twenty years ago today, Scotland voted yes to a new Parliament. I am committed to devolution and to the Union. They are not mutually exclusive. I will not allow either to be undermined in this process. In leaving the EU, we can deliver hammer blows to nationalism—yes, of the yellow and black variety, but also of a deeper purple variety. Proposals that give succour to nationalists of either hue should not expect to receive my support. I urge Ministers to recognise the chance before them to deliver for the moderate majority in Scotland, who want to see devolution succeed and the Union protected, with better, stronger, more sustained co-operation between our two Governments, working together, not pulling apart.

The reservation of the power to amend retained EU law will be necessary in the period immediately post Brexit. Common UK-wide frameworks will be required for the long term in a number of areas. Protecting the integrity of the UK single market is absolutely key.

More powers will be coming to Holyrood; of that there is no doubt. The idea put forward by the SNP that the UK Government, who have just completed the transfer of £12 billion of income tax powers, and who are in the process of devolving huge swathes of social security powers, want to grab and micromanage hill farming in Scotland is not remotely credible.

The process of leaving the EU is transitional, but devolution is permanent. The question is whether the Scottish Government are willing and able to use the

[Paul Masterton]

new powers they will get in the best interests of Scotland. Given that after a decade of the SNP in power, less than half of Scots believe that devolution has improved the quality of the health service or education provision, or the strength of the economy north of the border, I will not hold my breath. So I will answer the First Minister's call today to stand up and defend devolution, but I will be defending it from her Government—from the wasted opportunities and wasted futures her Government have presided over. For the first 10 years of devolution, Scotland walked in the wrong direction. For the past 10 years, it has had no direction at all.

I have some difficulty listening to the First Minister and the nationalists opposite preaching to others about consensus while flat-out refusing to accept the result of not one but two referendums, and still, today, refusing to take the threat of a second independence referendum off the table. While SNP Members will no doubt make their views known with the melodrama and histrionics we have come to expect, never missing a chance to shoehorn in some grievance, I look forward to what I am sure will be the altogether more measured views of the Finance and Constitution Committee of the Scottish Parliament on this Bill. I hope that that Committee is given due respect and consideration by Ministers. We can make this work, if we work together.

Although SNP Members claim to be the voice of Scotland, they speak for no one but themselves. We must not let their hubris distract or deter us, the Conservative and Unionist party, from delivering Brexit and, in doing so, delivering for Scotland.

9.31 pm

Sir Edward Davey (Kingston and Surbiton) (LD): When a Government come to a Parliament and say, "Give us more powers, or there will be chaos," democrats should be worried. Over the years, when a Government have said, "Give us more powers, or there will be chaos," they have acted like dictators. I am not saying that the Government are a dictator, but they are doing what Lord Hailsham said: they are acting like an elective dictatorship. That is why they are, through this Bill, undermining the very weak concept of parliamentary democracy that we have retained in this country.

Mr Geoffrey Robinson (Coventry North West) (Lab): Does the right hon. Gentleman agree that it is even worse for the Government to behave as an elected dictatorship, given that they have lost their majority?

Sir Edward Davey: The hon. Gentleman makes a very good point, and I will come to that.

I would argue that the Bill undermines parliamentary sovereignty more than any EU directive ever did, and I will explain to the Minister why that is. I do not think, for example, that the Bill does what leave voters wanted in the referendum. Many leave voters I talk to say they voted leave because they wanted to restore parliamentary sovereignty—they wanted Parliament to take back control. But this Bill does not give control back to Parliament; it gives control back to Ministers, who do not want to be held to account properly in this House.

Leave voters talked about getting more democracy, but as the hon. Gentleman said in his intervention,

democracy is being taken not by this place but by a Government who do not even have a majority in this House. That is not what leave voters voted for. During the hours we have debated this Bill, I have heard that when people answered the referendum question, they were saying we should do what we are doing now. Well, I am afraid that that is not what happened. The question before the House tonight was not on the ballot paper in the referendum; it is a completely different question.

People might say that the Bill gives effect to the referendum vote, but the point is that there are many ways of doing that, and this Bill is not doing that in the spirit of the referendum and the spirit of increasing parliamentary sovereignty. In fact, we have heard from right hon. and hon. Members on both sides of the House alternative ways of giving effect to that referendum vote. Early in the debate, we heard some ideas from the right hon. Member for Derby South (Margaret Beckett). We have heard from the hon. Members for Totnes (Dr Wollaston), for Gloucester (Richard Graham) and for Aberavon (Stephen Kinnock). They have put forward ideas that go way beyond what is in the Bill in terms of holding the Government to account as they transcribe EU law into British law. I could think of a whole series of enhanced procedures for doing that, including special Committees and Select Committee hearings. Perhaps the Select Committee on Procedure should be asking that question and reporting back to the House—except the Government do not want that. They do not really want this House to be involved, and that is why they are excluding the Committees and going for this fast-track, fundamentally undemocratic approach.

Ministers will say, "What about time? All these alternative options will take time." We put Bills through this House quickly when there is a war or a national emergency. There is no war or national emergency now; we have time to consider this as true democrats to ensure that we get it right. The fact that the Government are not doing that is outrageous.

The Bill's approach is dangerous because parliamentary sovereignty in this country is such a weak reed, as it has been for many years. Executives of all hues—even, dare I say, coalitions—have, through the Whip system, managed to ensure that this House has not really taken part in some of the key decisions of the day. This is most seen in how the House debates Government expenditure decisions. Right hon. and hon. Members might be interested to know that the last time this House voted against a spending request from the Executive of the day was in 1919, when it voted against spending for the bathroom of the then Lord Chancellor. Since then, hundreds of billions of pounds have gone through this House without a proper vote against, because the Executive do not really believe in parliamentary sovereignty.

Parliamentary sovereignty is a weak doctrine in this country, and the danger of the Bill is that even more of what is left of it will be taken away. That is shocking. I believe that when leave voters talked about parliamentary sovereignty, they wanted to increase the power of this place. If we see the last vestiges of that power walking out of the door tonight, and if we vote for the Second Reading of this Bill, that will be a backward step and will go against the spirit of the referendum vote. Allowing the Government these additional powers is tantamount

to the temporary abolition of this House. That is not what people voted for, and this House should defend itself and defend democracy.

9.37 pm

Ben Bradley (Mansfield) (Con): On 23 June 2016, the people of Mansfield voted overwhelmingly to leave the EU. They were so passionate about the issue that a record number turned out to vote on that day and 72% voted to leave. This decision was born out of not ignorance or fear but a feeling of indignation at the UK's treatment by the EU and a desire to regain control of our borders, our laws and, most importantly, our sovereignty. With that decision has come a lot of uncertainty about Britain's future—uncertainty that could have a massive effect on many aspects of our lives. I have spoken to a number of fantastic businesses in my constituency that will be affected in several different ways, some positive, some less so, but they all agree on the need for continuity and as much certainty as we can find. Nobody wants a situation in which our legislation disappears overnight, and it is that cliff edge that this Bill tries to avoid. A vote against it could plunge my constituents and the UK into chaos. At best, it would clearly lead to confusion and delay.

I welcome the words of the right hon. Member for Don Valley (Caroline Flint), who laid out very clearly the implications of voting against the Bill. I hope that her colleagues on the Opposition Benches will listen to her. Let us be clear that, despite the misleading media attention, the Bill does not give the Government *carte blanche* to legislate as they please. First, the limitations imposed by the affirmative procedure will prevent major decisions from being made without the scrutiny they rightly deserve, and even the negative procedure means that the instrument appears on the Order Paper and can be called out. Secondly, as we saw last June, the electorate simply will not stand being dictated to by an over-powerful Executive. The electorate ultimately have the power in their hands.

It is pretty hypocritical of Opposition Members to use the delegated legislation as an excuse when, as the hon. Member for Vauxhall (Kate Hoey) pointed out last week, the previous Labour Government relied so heavily on that kind of legislation to carry them through. I would be pleased to see further discussion of the safeguards that must be in place as we go forward to reassure Members who have legitimate concerns about how we sift out the bits of EU law we want to look at or about how we use the delegated legislation procedures, but that is exactly what the Committee stage is for. I therefore say to colleagues that any concerns in that regard should not prevent them from agreeing in principle to the Bill, as we are being asked to do today. One change that I would like to see proposed at that stage is including the leaving date in the Bill to give my constituents confidence that we are working towards a date and that there will be no lengthy delay in our leaving. I am sure that we can look at that closely going forward.

The powers that this Bill would bestow on Government are necessary to amend 12,000 EU regulations that require adaptation and incorporation into our newly independent legal system. It should be pretty clear to all of us that we cannot hope to take each and every one of those possible changes as votes in this House and sit here for hours and hours having thousands of votes—that is just not doable.

If passed, the Bill will stand us in good stead in the negotiations, showing that we respect the EU and the legislation that is currently in place, and that we can make trade and other legal arrangements with the EU on its own terms, but also that we have a contingency arrangement in place should no deal arise. A vital part of any negotiation is the ability to walk away. Opposition Members still do not quite seem to understand that concept. Regardless of whether we voted to leave or remain in the referendum, the political reality is that we need to prepare for life outside the EU. By voting for this Bill, we are not only enacting the will of the British people but giving the Government the very best chance of getting a good deal from the EU in the negotiations ahead, and ensuring that there is a secure and sturdy legal framework in the event of no deal. Frustrating or stalling the passage of this Bill, as Opposition Members are trying so hard to do, presents a significant threat to our bargaining position and our security in the long term. Clearly, what the UK needs now is continuity. The time to push for more safeguards and other amendments will come when we look at this more closely in Committee.

I conclude by thanking the Leader of the Opposition, in his absence, for his visit to my constituency on Saturday; it was a fantastic event, actually. With Mansfield hosting the Tour of Britain last Wednesday, I said at the time that any event that brings people in from outside the area to spend their money in Mansfield is worthy of my support, so it was brilliant to see so many of his supporters arrive in buses from Islington to wave their banners in the park and to boost our economy by buying their lunch and all the rest of it. I take this opportunity to thank him for moving his party so far away from the traditional values of thousands of lifelong Labour voters in Mansfield that they decided to vote Conservative for the first time ever in June. On the doorstep, their reasons were very consistent—“Brexit and Jeremy Corbyn”. The two are very closely connected. I remind the right hon. Gentleman that residents in Mansfield will not thank him if he attempts to frustrate and delay Brexit when we vote on this Bill. They do not want political games—they want a commitment to Brexit. Speeches by Opposition Members like that of the right hon. Member for Tottenham (Mr Lammy) and others just go to prove that the only way to get that is from this Conservative Government.

9.42 pm

Tulip Siddiq (Hampstead and Kilburn) (Lab): When a Conservative former Attorney General looks at a Bill and describes it as an “astonishing monstrosity”, it is clear that somewhere something has gone wrong. When a Conservative former Chancellor of the Exchequer says that we are facing the prospect of frittering away parliamentary democracy, something is not as it seems. When hundreds of thousands of people, whether it is June Barnes in Kilburn or Peter Singer in Hampstead, feel compelled to email their MP saying that they are in shock at the Government's tactics, it is clear that the ministerial power grab at the heart of this Bill is unacceptable and brazen.

I am told that the Prime Minister campaigned to remain in the EU, and that has made her transformation into Brexiteer-in-chief even more difficult to stomach. The hard Brexiteers back-slapped and sneered their way through the referendum campaign saying that they would “take back control”, but the irony is that what the

[Tulip Siddiq]

Government are asking for in this Bill actually takes control away. It proposes taking away control of the law from Parliament, taking away control of governance from all our regions, and taking away hard-won rights from those who live and work here. Not only will this Bill be dangerous to our country's integrity; it also poses a serious challenge to hard-fought-for rights of my constituents and many across the country.

Let me be clear that my opposition to the Government's intended mass deployment of secondary legislation is due not to a prosaic attachment to the purest form of primary legislation but to the very real consequences it could have for my constituents' lives. The decision to withdraw from the EU charter of fundamental rights is, at best, problematic and, at worst, actively contemptuous of the rights that protect all aspects of citizens' lives. The EU charter of fundamental rights covers a broad set of protections that guarantee individual freedoms and rights, from the prohibition of torture and the right to life to holiday entitlement and working conditions. Without it, for example, workers in London, whose air quality is already at an illegal level, would lose layers of protection.

I would like to know which rights in particular the Government object to; perhaps the Minister can tell me. Is it the right to life, or the prohibition of torture and degrading treatment and punishment? Perhaps the Government take issue with the charter's codification of equality rights, or perhaps the Secretary of State has a new-found disregard for privacy laws. Paying lip service to human rights is no guarantee of human rights, and introducing legislation that cannot be properly scrutinised is no way to govern people's lives. The explicit disregarding of the charter risks the rights of working people.

The Government may ask why the British people should not simply trust them to replicate any protections and rights in forthcoming legislation. Well, when certain Conservative Members believe that rape victims should not have access to abortion, I do not blame the public for being sceptical of the Government and their ability to rule.

The Bill not only poses challenges to parliamentary scrutiny and people's rights, but sends a stark message about the trajectory of devolution in this country, if one examines clause 11. The Government could have used the Bill as a real opportunity to address the governance of our regions. If there was ever a time to empower the newly elected representatives, it is now. As with the rights of the EU charter, it seems as though the Government are asking devolved nations to take their promises in good faith, and asking individual nations and regions to accept Whitehall control again. Curbing the scope of devolution and the ability of devolved bodies to act, particularly at this time, sends out a troubling message.

I am a London MP, and there is no doubt that Brexit will have a disproportionate impact on London, with 1 million EU nationals living in the city and making up 15% of the employment force.

Catherine West: I am grateful to my hon. Friend for giving way on the point about the London economy and EU nationals. Does she agree that an increasing number of EU nationals are very concerned, not just

about the cost of their citizenship but about the constant changing of the goalposts by the increasingly incompetent Home Office?

Tulip Siddiq: I agree with my hon. Friend's point. There are 17,000 EU nationals who live in my constituency, and they constantly come to my surgery because they are worried about the half-baked practice papers that are being put in front of them. In terms of the London economy, which my hon. Friend also mentioned, by 2020 a quarter of the GDP of the entire country will come from London alone. We have 800,000 private sector businesses. The Bill gives Ministers the power to modify retained EU law, and clause 11 stipulates that such powers should not be handed to the devolved authorities.

With the EU charter a thing of the past, London's EU nationals will, as my hon. Friend suggests, have the right to question what their future holds and what rights will be guaranteed. An honest conversation is urgently needed on post-Brexit immigration arrangements and migrant protections for the huge population of non-EU citizens in London, and the Bill does not provide that. A lukewarm commitment to seek consent from devolved bodies will not do. Serious steps must be taken to mitigate the disproportionate impact that Brexit will have on the city where my constituency is based.

I will proudly vote against the Bill today with my Labour colleagues. The display put on by my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) last Thursday revealed this Bill to be everything that campaigners warned it would be. It is a shoddy power grab that disrespects the democratic traditions of our country and throws hard-fought rights into total jeopardy, and the Government should be ashamed of themselves for introducing it.

9.48 pm

Suella Fernandes (Fareham) (Con): Despite some of the benefits that the UK has derived from its membership of the EU, overall, and overwhelmingly, our membership has had a corrosive effect on democracy. For decades, the political class in the UK has lacked the ability and the confidence to be bold for Britain. It has been emasculated by EU primacy. Clause 1, which repeals the European Communities Act, and clause 5, which brings to an end the primacy of EU law, constitute a welcome first step towards restoring parliamentary democracy to the United Kingdom.

Since the ECJ case of *Costa v. ENEL* in 1964 and the *Factortame* cases in the 1990s, our politicians and our courts have been robbed of their sovereignty, and of the freedom and independence to challenge, amend or override EU law and judgments, leading to an inherent insecurity in British politics. This has been partly fuelled by a sacrosanct belief in experts, a disproportionate desire for media headlines and an emphasis—an unjustified emphasis—on political correctness and polls. Moreover, it has been driven by the ultimate power grab, which is the one by the unaccountable and illegitimate EU. Whether in trade, immigration, tax policy, or agriculture and fisheries, the power to determine the direction of this country has been stolen from our Parliament by the EU.

That sums up the EU: its inherent lack of legitimacy and accountability has diminished the potency of UK politics, leaving us with an exaggerated sense of

powerlessness, and a dulling of politics through a spiral of technocratic and administrative decisions. Whether we talk about trade, immigration or our courts, the EU has killed off innovation in politics. Through this Brexit Bill, we have a chance to reignite the ability to inspire and enthral through politics, law and justice, and that is why I am delighted to speak in its support.

The Bill is an essential piece of legislation and an integral part of the machinery that will make Brexit a reality and ensure that this Parliament rightly and faithfully honours the democratic instruction sent us by the British people in last year's referendum. The reason why it is a prerequisite of Brexit and fundamental for this historic chapter in our country's history is that it will achieve the central objective of those who voted leave in the EU referendum and of those who, although they did not support it, have come to accept the vote for taking back control of our laws. The Bill's objective is to transcribe EU law in UK law, so that this Parliament—a beacon of democracy emulated around the world—will regain its power over whether and how such laws should apply.

Stephen Gethins: Will the hon. Lady tell us in what way the House of Lords is more accountable to the democratic populace than the European institutions?

Suella Fernandes: Through the Bill, our UK Parliament will regain authority over whether and how EU law will apply, and that is what honouring the result of the EU referendum is all about.

This Bill is necessary to ensure an orderly Brexit. The alternative does not bear thinking about. It is chaos, uncertainty and the abrupt evaporation of laws overnight, leaving us with nothing but a legal vacuum on the day after we have left the EU. That is what those who oppose the Bill are asking for, which is why I urge Labour Members to reconsider their position in opposition to the Bill and to vote for the pragmatism and necessity that it encapsulates.

A vote against the Bill is a vote in breach of voters' trust and a vote for chaos for two reasons. First, the fact that the Bill has the effect of placing all current EU law into UK law is eminently sensible. Many of the laws will work in UK law without amendment, but some will need to be amended. There has been much criticism of the Henry VIII powers, but it is exaggerated and unjustified. The Hansard Society has calculated that of the 23 Government Bills in the 2015-16 parliamentary Session, 16 contained a total of 96 Henry VIII powers to amend or repeal primary legislation. Of those powers, 65 were included in Bills when they were introduced, and a further 31 were added to Bills during their progress through Parliament. There is therefore nothing alien or sinister about such powers, and to suggest otherwise is unjustified and disproportionate.

The Opposition have proposed no alternative. If there were individual votes to amend the EU laws, that would mean an individual vote on all 20,000 EU laws. If we conducted the process in that way, it would take over 200 days of parliamentary time, sitting 24 hours a day, seven days a week. An alternative would be to have a debate on every page of the law, but that would mean debates on over 600,000 pages of law. That leaves us with the only option of abandoning all EU law, which, as I have said, would mean legal chaos.

Secondly, the Bill is important because it repeals the European Communities Act 1972, which gives force to judgments from the European Court of Justice and regulations without any further need for scrutiny by Parliament. That is the biggest power grab to which this country has been subject. Politics should be less about mechanistic procedure and more about the big vision; less about systematic management and more about creating on a grand scale with radical thinking, setting a blueprint for society. Brexit is a birth and a chance for a new beginning, not a death. Now there is a chance for those who campaigned to leave the EU and those who see the opportunity ahead, even if they did not campaign for it, to unite in painting that bold and bright vision of the future of our country and of the world. For those who cannot or will not see that, the politics of yesterday may be good enough for them, but not for me.

9.55 pm

Mr Geoffrey Robinson (Coventry North West) (Lab): I shall be brief and to the point, as we are about to reach a critical stage in proceedings.

Like many hon. Members, particularly Opposition Members, I voted to remain in the European Union. Like many others, I was active in my constituency and throughout the west midlands in arguing that case, particularly to the manufacturers and traders for which the region is well known. I was disappointed, like many people, that the referendum turned out the other way. A result of 48:52 is pretty close, but in Coventry it was 40:60—60% of people voted to leave and 40% to remain.

When it came to the triggering of article 50 in the House, I had little doubt in my mind—indeed, I would never think of going against a clearly democratic vote—that we would have to do so, and we duly did. However, I also set out a couple of points that I thought would be essential if we were to avoid the worst aspects of what Brexit could mean: we needed a transitional period to the new arrangements, and those arrangements should be as soft as possible. I believe that both those points are as valid today as they were then. I agreed to sit back and watch how far the Government could get on achieving them. Unfortunately, they have not made much progress that anyone in this country or in Europe has noticed.

On the transitional arrangements, which would imply a period during which we would be in the single market and in the customs union, we have seen a remarkable performance. On the single market, half of the Cabinet is in and the other half is out; and another day the other half is in and the other half is out. The same goes for the customs union. What sort of negotiating activity that is I do not know. I cannot imagine what other kind of activity it is, but it is not skilful negotiation. We have not made any progress at all—if anything we have gone backwards on both those important considerations on which I was particularly looking for progress so that I could continue to give my unqualified support by recognising the vote in my Coventry constituency and happily supporting my constituents.

The simple fact is that the Government, having made a dog's breakfast of the negotiations, have asked us to trust them to go ahead and change the laws of this land with a Bill that has been roundly criticised—I will not try to rise to the heights of hyperbole reached by colleagues on both sides of the House—as a travesty of

[Mr Geoffrey Robinson]

good government and good legislation. The Bill is clearly full of faults, defects and inadequacies that have to be put right. The Government say, “Trust us, we will put them right.” They say that at the end of the process we will have a Bill that meets the needs and has the guaranteed support of the House. I say no to that; it will not do. Given their record in the negotiations, they are neither competent nor honest enough to deliver what is possible, and there is insufficient determination in the Executive or civil service to do so.

10 pm

The debate stood adjourned (Standing Order No. 9(3)).

Motion made, and Question put forthwith (Standing Order No. 15),

That, at this day’s sitting, proceedings on Second Reading of the European Union (Withdrawal) Bill may be proceeded with, though opposed, until midnight and Standing Order No. 41A (Deferred divisions) shall not apply.—(Andrew Stephenson.)

Question agreed to.

Debate resumed.

Question again proposed, That the amendment be made.

Mr Speaker: Does the hon. Member for Coventry North West (Mr Robinson) wish to conclude his oration, or has he already concluded it?

Mr Robinson: I would, very briefly, like to conclude. Thank you very much, Mr Speaker. The pause, if anything, has given me new breath and I shall seek to expend it.

I was saying that the Government have introduced the Bill with the words, “Trust us, we’ll put it right.” Nowhere has the Bill been more eruditely or expertly criticised than on their own Benches by the right hon. and learned Member for Beaconsfield (Mr Grieve), who unfortunately is not here for these latter stages. He has exposed it as being a shoddy Bill that should never have been brought forward.

We say very clearly to the Government tonight that, as far as the negotiation goes, a transitional arrangement is vital. Soft terms are equally important for our manufacturers, traders and financial companies—everybody on whose livelihood the wellbeing of this country depends. If we go for the mess the Government are currently promising us, I regret to say that we will have a very hard Brexit and the citizens of the whole country will take a very hard economic knock to their wellbeing. I want to avoid that, so I say take the Bill away. Bring back a corrected Bill that is decently presented and does not try to wrench power away from Parliament for ends that we cannot yet even specify. Bring it back in a shape fit enough that we could be justified in voting for it.

10.2 pm

Stephen Kerr (Stirling) (Con): I rise with enthusiasm to support the main principles of the Bill and its Second Reading. We have heard many excellent contributions and I would like to express my appreciation for the quality of this debate. To me, the debate comes down to something rather straightforward. When this House passed the Bill to hold an in/out referendum on the United Kingdom’s continued membership of the European Union,

it entered a compact with the British people to act on their direct instruction. This Second Reading debate is about main principles. The first principle of the European Union (Withdrawal) Bill is to repeal the European Communities Act 1972 on the day we leave the European Union. A vote against that principle will be an attempt to set aside the result of the referendum and a base disrespect to the British people—it is as uncomplicated as that.

The second principle of the Bill is to convert EU law, taken as a whole, into UK law so that we can have a stable and functioning statute book on the day we leave the European Union. A vote against that principle would create the potential for instability and uncertainty, because we would have a broken statute book on the day we leave the European Union. It is no more complicated than that. This is a grand moment for British pragmatism.

Sincerely held concerns have been and are being raised about the Bill’s so-called Henry VIII powers. A number of right hon. and hon. Members on both sides of the House have made positive suggestions that deserve the careful consideration of those on the Government Front Bench—[*Interruption.*] Thanks for the prompt. There is clearly a willingness on the part of the Government both to listen and to accommodate, and I fully expect them to be as good as their word. That said, I find it strange that some of those who object so strenuously to the so-called Henry VIII powers and the Bill seem not to have had many concerns over the past 44 years when Governments have been expected to enact a steady stream of EU laws and regulations that neither the Government nor Parliament have had the power to change or the capacity to scrutinise properly.

Bill Grant (Ayr, Carrick and Cumnock) (Con): Does my hon. Friend agree that as a nation we need to learn to respect the outcomes of referendums? We have had two major referendums in the UK, but we seem repeatedly to fail to respect the will of the British people.

Stephen Kerr: My hon. Friend’s excellent point brings me neatly to the nationalists, who have called the Bill a power grab and a threat to the devolution settlement. It is no such thing. They cannot name one power that the UK Government intend to grab back from Holyrood.

Joanna Cherry (Edinburgh South West) (SNP): Does the hon. Gentleman agree with the Law Society of Scotland, a non-partisan body, that the Bill would remove legislative competence from the Scottish Parliament, including in areas of law not reserved to the UK, such as agriculture and fisheries? Has he read the Bill?

Stephen Kerr: The answer to the first question is no. I remind the hon. and learned lady, however, that it was a Conservative Government who passed new powers to the Scottish Government, and there is no evidence, other than in the feverish imagination of SNP Members, that the UK Government intend to grab back any devolved powers.

To the contrary: I have lost count of the number of times Ministers have said in this House and elsewhere that they anticipate that the Scottish Parliament will have new enhanced powers because of Brexit. The irony is that the SNP, if it ever got its way, would hand those very powers back to Brussels. The SNP Government

have spent the past 10 years power grabbing for themselves from local government and local communities, and their incessant centralising of power has undermined the very fabric of local democracy in Scotland. Just a few days ago, Scottish Ministers, against all advice, including from their own reporter, ran roughshod over local democracy in Stirling by foisting a huge commercial development on scenic greenbelt at Park of Keir. Many of my constituents—

Brendan O’Hara (Argyll and Bute) (SNP): On a point of order, Mr Speaker.

Mr Speaker: Order. I hope it is genuinely a point of order, rather than one of frustration from the hon. Gentleman.

Brendan O’Hara: I merely ask for guidance on the relevance of the hon. Gentleman’s speech on greenbelt and the Scottish Government to the topic of debate.

Mr Speaker: If the speech had been disorderly, I would have ruled as such, but it wasn’t, so I didn’t.

Stephen Kerr: Thank you, Mr Speaker.

Many of my constituents in Dunblane and Bridge of Allan are rightly angry at this power grab by the SNP. That is one of many such examples.

I have no hesitation in telling the Government, whom I am proud to support, that I want them to get on with Brexit. It will bring opportunities, and we must make the best of them. I want to get on with those free-trade deals across the world. We already know that customers globally have an insatiable appetite for Scottish food and drink, including Scottish salmon, and since Stirling is now the UK’s centre of excellence and innovation in salmon, and finfish aquaculture in general, I declare a vested interest. Those in the House who gleefully seize on every statement by EU negotiators, at the supposed expense of Her Majesty’s Ministers, should consider how their antics appear to the voting public. We must work together across parties to get the best deal for the British people, and I have the utmost faith and confidence in my right hon. Friend the Secretary of State for Exiting the European Union and his ministerial team to do just that. We must be, among ourselves, united.

The Bill represents the best kind of pragmatism, for which this country is rightly renowned around the world. It will efficiently allow us to leave the European Union, it will allow our devolved Administrations to make more decisions about the lives and livelihoods of the people whom they serve, and it will allow us to have a statute book that functions on the day we leave the European Union. I celebrate its British pragmatism.

10.10 pm

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to follow the hon. Member for Stirling (Stephen Kerr).

Let me make it clear at the outset that since the referendum of 23 June last year, I have always respected the outcome of the vote, both in my constituency and throughout the United Kingdom. That is why I have spent the last 15 months arguing for the best possible Brexit deal, which will secure jobs and prosperity in my constituency. This Bill, however, is not about the principle of withdrawal from the EU. It is about constitutional arrangements, and, as a Welsh Member of Parliament,

I note in particular that the Welsh Government does not have the power to amend retained EU law—in other words, the law that is brought back via the Bill. This is about the kind of democracy that we are, and it is about the rights of our citizens. As I said in an earlier intervention, citizens currently have the right to take the Government to the European Court when they are found wanting in respect of certain matters, including environmental matters. Where is that remedy, or its replacement, in the Bill? It is not there.

Above all, there is the argument—I have heard it on a number of occasions, and I respect it—about bringing powers back to the House of Commons. The Bill does not achieve that. It is not so much a Bill to take back control to Parliament as a Bill to take control away from the legislature and give it to the Executive. I am deeply concerned about the Henry VIII powers in clauses 7, 8, 9 and 17; to put it simply, I do not trust Tory Ministers with those powers.

At the weekend, I was very interested to read a leaked letter signed by, apparently, up to 40 Tory MPs. It set out various red lines in respect of the transition deal that they want to see. What did it say about Henry VIII powers? It said:

“There can be no Henry VIII laws which automatically add EU/EEA laws onto our statute books”.

How are we, as Opposition Members, supposed to trust Ministers with Henry VIII powers when their own MPs will not?

I looked back at the past to see whether there is any precedent for handing over such powers to the Government. I had to go back as far as the Rating and Valuation Act 1925, would you believe, to find an Act that allowed Ministers to change the provisions of that Act. It states that

“any such order may modify the provisions of this Act so far as may appear to the Minister necessary or expedient for carrying the order into effect”.

That led the Lord Chief Justice of the day, Lord Hewart, to write a book called “The New Despotism” in 1929—I recommend it to Ministers—about what he called “the departmental despot”, who would be in a position to carry out law making away from proper accountability, away from scrutiny, and away from the reach of ordinary law.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): I agree with my hon. Friend that clauses 7, 8 and 9 are Henry VIII clauses, enabling Ministers to repeal and replace elements of the statute book at will and implying that our Parliament will not be able to take back control. It is clear that, rightly respecting the British public’s decision, we will be leaving the EU because article 50 has been triggered, but does my hon. Friend agree that, as it stands, the Bill is fatally flawed because it amounts to a power grab by Ministers?

Nick Thomas-Symonds: My hon. Friend is absolutely right that it is fatally flawed, and that is why I will vote against it with hon. Friends in the Lobby tonight.

I will simply never be able to trust Tory Ministers with things like workers’ rights, environmental protections and consumer rights. Let us take workers’ rights as an example. The Prime Minister has promised to retain all our workers’ rights as long as she holds office. In light

[Nick Thomas-Symonds]

of recent events, I hardly think that is particularly comforting, but in case we have any other doubts, let us just see what the then Tory Employment Minister, currently the International Development Secretary, said during the referendum campaign. She gave a speech at the Institute of Directors on 17 May 2016, about a month before the referendum. What does she want to do? To quote her, she wants to

“halve the burdens of the EU social and employment legislation”. That is what the Tory Employment Minister said at the time of the referendum. It is no surprise that the Tories cannot be trusted now.

Christian Matheson (City of Chester) (Lab): Did my hon. Friend see last Tuesday’s Order Paper, which listed a whole bunch of private Members’ Bills tabled by Brexiteer Conservative Members, including a Bill to take away the working time directive?

Nick Thomas-Symonds: I am grateful to my hon. Friend for drawing attention to that, and it simply reinforces the case we are making: that Tory Ministers simply cannot be trusted with powers of this nature.

We have also frequently heard the argument about the need for legal certainty, but the Bill as drafted does not provide that legal certainty. What guidance does it give to judges post-Brexit as to how they are supposed to interpret the law that originated from the European Union? Absolutely none. The idea of a preliminary reference to the European Court is of course no more, because of the red line on the ECJ. That is completely gone. The remedy that citizens once had to go to the European Court is also gone. So the idea that, post Brexit, the Bill will assist our constitutional arrangements and provide clarity is simply wrong.

Mr Mark Francois (Rayleigh and Wickford) (Con): No, people will not be able to go to the ECJ—the hon. Gentleman is right about that—but they will be able to go to the British Supreme Court, just down the road from here, where decisions that affect them and their countrymen will be taken by British judges according to British law. What is wrong with that?

Nick Thomas-Symonds: I have nothing against British judges taking decisions. What I am talking about is the failure of this Bill to provide clarity about how the law now will be transposed into the law then. Let us talk about a judge down the road who is faced, for example, with a citizen demanding a remedy of holding the Government to account for failure to deal with pollution. They would previously have had a right to go to the European Court. What will be their right under the Bill? The Government have absolutely no idea. Let us have a Bill that gives that clarity post Brexit, which this Bill manifestly fails to do.

Mr Francois: Will the hon. Gentleman give way again?

Nick Thomas-Symonds: No, I am not giving way again; I have given way three times, and many Members want to speak in this debate.

Let me summarise by saying this: the Bill is shoddy, and undermines the parliamentary democracy that it was meant to enhance. It is not worthy of support, and I urge colleagues not to support it tonight.

Several hon. Members rose—

Mr Speaker: Order. A five-minute limit on Back-Bench speeches must now apply if I am to accommodate colleagues.

10.18 pm

Robert Courts (Witney) (Con): It is an honour to contribute to this historic debate, and to follow the hon. Member for Torfaen (Nick Thomas-Symonds), who made an impassioned contribution.

I would like to start with a sober analysis of what the Bill is really about. It is about an overall approach. It is essential for a smooth and orderly exit from the European Union and provides the continuity that is needed for businesses and individuals alike. It is badly named, too—in the early stages of its progress it was called a repeal Bill, and the press call it that, but is much better seen as a continuity Bill. It is more notable for what it does not do than for what it does.

I suggest that it is incumbent on those who propose to vote against the Bill—rather than those who feel that it needs amending—to say what they would do instead to transfer EU law into British law. We have heard nothing from Labour Members about how they would achieve that. There are, of course, options. We could in theory simply ignore EU law, but that would lead to chaos, and I am sure no hon. Member would want that. Or we could vote on every measure that we need to transpose from EU to British law. But as we have heard, if we spoke 24/7 on such matters from this day onward, we would need 200 days of parliamentary time. That is not a practical option. That is why we need the Bill.

This is a necessary Bill that will perform the sensible task of providing continuity by moving the *acquis* of EU law into British law on the date of leaving. Essentially, it will turn off the tap on further EU regulations, but will not pull the plug and drain away any of the existing regulations.

We need some sober analysis of the Bill’s purpose, because it is not intended to give the Government sweeping new powers. It will not give the Government powers to pick and choose which regulations to keep or dispose of. That will be a matter for this sovereign Parliament in the years that follow. The Bill simply seeks to change, on a technical basis, references to EU bodies that will no longer be relevant into references to the relevant British bodies. As the Secretary of State said, it is not for Ministers to change laws because they do not like them. The Bill is also—this is a crucial point—strictly limited by the sunset clause to two years after the exit date.

We have heard about scrutiny, and parliamentary scrutiny is essential. The Government have said that all substantive policy changes will be strictly the preserve of the Bills to follow on trade, agriculture and immigration. As we all know, statutory instruments have been used for many years to deal with less contentious regulations. They are a parliamentary procedure. Members will be able to pray against them, and it is not true to say that that will bypass Parliament. Every regulation will be subject to parliamentary procedure, particularly in cases where the affirmative procedure is used.

The Secretary of State has made it clear, and I welcome this approach, that when constructive suggestions are made on drafting and scrutiny, the Government

will listen, but the appropriate time for such observations is in Committee. None of those points, many of which have been very constructive, are any reason to vote against the Bill tonight. That would lead to chaos and induce exactly the hard Brexit that so many Opposition Members have mentioned.

This is an important Bill and I urge the House to support it. We will look at constructive suggestions in Committee, but now is not the time.

10.23 pm

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): The last seven hours have demonstrated what this place does best. My right hon. Friend the Member for Don Valley (Caroline Flint) and my hon. Friends the Members for Lewisham East (Heidi Alexander), for Gedling (Vernon Coaker), for Wakefield (Mary Creagh) and for Cardiff South and Penarth (Stephen Doughty) have made excellent contributions to the debate. They have demonstrated that this Chamber of this House of Commons is able to debate matters in a way that no other place can, and that is what makes the content of the Bill so offensive.

Listening to Government Members today, I have heard several variations of something that they will all know is called the politician's fallacy: "Something must be done. This Bill is something. Therefore we must do it." I heard no substance or content, simply an argument that this is what we have and therefore we must do it. Nobody on the Opposition Benches is arguing that the wholesale adoption of European law should not take place; the argument is that the way in which the Bill is written is an affront to the democratic values that we hold dear.

We have heard from the right hon. Members for Basingstoke (Mrs Miller) and for Broxtowe (Anna Soubry), the right hon. and learned Member for Rushcliffe (Mr Clarke) and the hon. Members for Bromley and Chislehurst (Robert Neill), for Gainsborough (Sir Edward Leigh), for Chelmsford (Vicky Ford), for South Thanet (Craig Mackinlay), for Wellingborough (Mr Bone), for Eddisbury (Antoinette Sandbach), for Poole (Mr Syms) and for Totnes (Dr Wollaston) that the Bill is flawed. They have all said in their own words that the Bill is flawed, but they have hope, anticipation, expectation and trust in the Government. They have been assured that amendments will come forward to assuage their concerns. Rather than consider what might come, I ask them to look at how this Government have treated this House. The article 50 vote was delayed while the Prime Minister pursued a legal case to prevent her own Members from having a vote on it. There is a motion before the House tomorrow that will rig the Committee system to allow a minority Government to have a majority on Bill Committees, which is simply unacceptable.

Mr Francois: Will the hon. Gentleman give way?

Gareth Snell: I will not.

Words such as "the Minister may make regulations" are littered throughout the Bill, and clauses 7, 8, 9 and 17 produce unprecedented levels of power for the Ministers on the Treasury Bench. We are to understand that they have been in listening mode today, but when asked either by Government Members or by Opposition Members to address some concern not once have they intervened to do so. They have sat quietly, passing notes—I can

only presume to the Government Members who delivered their whipped speeches so wonderfully—instead of making a contribution to the argument.

Mr Francois: Will the hon. Gentleman give way?

Gareth Snell: No, I will not give way.

We also have a programme motion that seeks to allow 64 hours of debate on what Government Members have described as one of the greatest constitutional changes in their lifetime. The money resolution seeks to allow any amount of money to be spent by Ministers if they deem it necessary.

Mr Francois: I will give you one last chance.

Gareth Snell: No, I am not going to take it.

The ways and means resolution allows for "any taxation". I thought the Conservative party was opposed to general taxation, but its Members are voting this evening for taxation for the sake of paying for a Bill that they will not allow to be scrutinised in this House. We are elected by our constituents as equals to have a say on the future of our country once we leave the European Union. No seat delivered a greater leave vote than mine. My constituents made their voice clear and I respect that, but they sent me here to get the best deal for them. I will be denied that right if I vote for this Bill's Second Reading this evening.

The leave campaign talked about taking back control, but this Bill takes control away from Parliament. We will be relegated to observers in something that we have been told is the greatest constitutional event of our lifetimes. I will be joining my colleagues in voting against the Bill's Second Reading, because it is not what my constituents want, it is not what I came here to do, and I refuse, like my hon. Friend the Member for Lewisham East, to vote myself out of a role in the Brexit negotiations.

10.28 pm

Chris Philp (Croydon South) (Con): It is a pleasure to follow the energetic speech of the hon. Member for Stoke-on-Trent Central (Gareth Snell). This is of course a Second Reading debate and we should properly be considering the general objectives and principles of the legislation. I think there is in fact some measure of consensus around the fact that such a Bill, or one similar to it, is required to give practical effect to our leaving the European Union. Even the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) admitted in his speech on Thursday that something like this was required, and even the House of Lords Constitution Committee accepts that something like this is necessary. It is clearly reasonable, when we have to pass 1,000 statutory instruments to effect leaving the European Union, that we do something like this Bill. I remind Opposition Members that all those 1,000 statutory instruments are votable, should they wish. The idea there is no democratic scrutiny is not accurate.

On Thursday and today, we have heard Opposition Members claim that the Bill gives unfettered power to the Executive, but it is very clear in both clauses 7 and 9 that the powers are circumscribed. Clause 7(1) states that the powers can be used only to correct a "failure of retained EU law...or any...deficiency".

[Chris Philp]

Clause 9(1) clearly states that the powers can be used only to implement the exit agreement, an agreement on which this House will have a vote. The idea that the powers can be used across the board does not bear scrutiny.

Clauses 7(6) and 9(3) make it completely clear that a whole range of things, such as introducing new criminal laws, cannot be done under this Bill. The powers are fairly clearly circumscribed. To top that, there are sunset clauses that mean the powers are strictly time-limited, which gives further reassurance.

Clauses 7(4) and 9(2) mean that the Bill itself can be amended by regulation. If there is one little tweak we might consider, it is exempting the sunset clauses from that provision, but that is the kind of fine tuning that can quite properly happen in Committee, rather than on Second Reading.

I have heard quite a lot of extraordinary hyperbole and crocodile tears from some Opposition Members in this debate. The right hon. and learned Member for Holborn and St Pancras, who is not in his place, said on Thursday that he feels the Bill disenfranchises Parliament, but for the last 40 years he has been perfectly content for regulations and laws passed in Brussels by qualified majority voting, with no veto or definitive say by the UK Government, to be implemented in UK law by Orders in Council without so much as a sniff of a vote in this House. Where was his righteous indignation for the whole of the last 40 years?

The hon. Member for Holborn and Kilburn, who is in her place—[*Interruption.*] Sorry, Hampstead and Kilburn. I should know, having stood in that constituency in 2010. The hon. Member for Hampstead and Kilburn (Tulip Siddiq) said the Bill is a wholesale threat to rights under EU law, but the Bill copies and pastes wholesale those rights into UK law. Any material amendment to those rights would have to be passed by a vote of this House. She specifically referenced human rights law. She obviously has not read clauses 7(6)(e) and 9(3)(d).

Tulip Siddiq: I have read them.

Chris Philp: The hon. Lady should know, then, that the Bill expressly prohibits these powers being used in any way to interfere with human rights law. She will have seen that the Bill expressly precludes her concerns.

The Scottish National party is going into paroxysms of apoplexy at the merest hint that London might exercise even a smidgen of the powers currently exercised in Brussels. I have not heard a single word of protest in the two years I have been a Member about those self-same powers being exercised in Brussels. Where were the SNP's shouts of indignation then?

Everyone seems to agree that the Bill is necessary. No doubt there are points of detail that can and will be improved on, but anyone who is serious about implementing the British public's decision should vote for Second Reading this evening.

10.33 pm

Pete Wishart (Perth and North Perthshire) (SNP): I begin by trying to find a bit of consensus and agreement across the House. We are all basically agreed that we

need to improve the Bill in Committee. Everyone seems to suggest that lots of amendments are required to improve this legislation.

I may have inadvertently misled the House last Thursday when I broke the crushing news that only eight days will be available in Committee, because actually only seven days will be available. That is because we are going to lose four hours out of the eight in days five and eight. So we will have seven days to rewrite the whole of the law system of the United Kingdom, whereas 41 days were given to the Maastricht treaty, 29 were given to the Lisbon treaty and 21 were given to entering the Common Market. We will have only seven days for this great repeal Bill—what an absolute embarrassment for this Government. They had better come back with a proper programme motion to give this House sufficient time—

Mr Francois rose—

Pete Wishart: I have not got time for the hon. Gentleman's intervention, so he should sit down. On this side of the House, we have been trying to outdo each other in describing this Bill. I would describe it as a "Hammer House of Horror" Bill: it gifts unprecedented power to this Executive, drives a coach and horses through the devolution settlement and presents a profound threat to our human rights. It is hard, if not impossible, to conceive of a Bill that more undermines this "taking back control" mantra of all those who parroted it ad nauseam when they were talking about leaving the European Union.

I would not vote for this Bill in a month of Sundays. The UK is engaged in an almost unprecedented exercise of national self-harm with this whole Brexit project. We are indulging in a grotesque episode of economic, political and cultural self-flagellation and, by God, we are determined to give ourselves a damn good thrashing! We are opting for the hardest of hard Brexits, reaching for the most painful implement in the box, and the scars and pain will be there for decades to come.

Turning to the negotiations, I will put my cards on the table when it comes to these tricky conversations. I will try to lay them down as delicately and sensitively as I can. Never before has an enterprise of such political significance been prosecuted with such delusional cluelessness, which is approaching a national embarrassment. It is hard to think of any major international negotiations being handled so ineptly and chaotically; it is almost as if we have put the clowns in charge of the Brexit circus and their huge clown footprints are all over all of this. We are becoming a national embarrassment with our negotiations, and this Government have to start to get real and drop their delusions. This repeal Bill is only throwing salt on the wounds.

What interests me more than anything else about this is what the Bill tells us about how Scotland is now perceived in this union of nations. Today, we celebrate 20 years of the vote that delivered the Scottish Parliament: 20 years of really taking back control—Members may wish to see it like that. This Bill presents the biggest challenge that our Parliament has ever had to confront, as it undermines the very foundation and ethos of the development of our national Parliament: if something is not listed in the reserved powers, it is devolved. That approach was designed elegantly by Donald Dewar as a means to determine and shape our national Parliament,

and it has served us so well since then. This Bill drives a coach and horses through that. Indeed, it is worse than that, as the Law Society of Scotland tells us:

“The effect of the Bill would be to remove the legislative competence of the Scottish Parliament in relation to any matter in retained EU law. This would be the case even if it related to areas of law not reserved to the UK under the Scotland Act, such as agriculture or fisheries.”

Then we must consider the Henry VIII power, an innovation so spectacular in its political audaciousness that one of Henry’s executioners would baulk at the whole experience. We have our own powers, which I refer to as the Robert the Bruce powers. We are actually compelled to exercise them as part of this Bill, even though we might have fundamental concerns in respect of democratic oversight. We are sailing towards the big Brexit iceberg, but Scotland has an opportunity. We can get down below decks, get on that lifeboat labelled “Scotland”, get out on to the ocean and row as quickly as we can to the shores of sanity.

Several hon. Members *rose*—

Mr Speaker: Order. After the next speaker, the time limit on Back-Bench speeches will need to be reduced to four minutes. I call Liz Twist.

10.38 pm

Liz Twist (Blaydon) (Lab): First, let me make it clear that people in my constituency voted leave in the referendum, but they did not vote to risk the regulations and protections that they have to safeguard them. I want to talk about not clauses and regulations, but practicalities. My constituency has suffered serious problems arising from two landfill sites. Last year, we had three months of—not to put too fine a point on it—stench from one of the sites. The year before, we had a serious litter escape that blighted the local rural landscape.

The House will not be surprised to hear that many of us want greater environmental controls, not only on landfill sites, but to protect our rivers, air and natural environment. My constituents are worried about and want to retain all the employment and health and safety rights that they have under European regulations. It is crucial that Members of this House have the opportunity to examine the process of bringing those regulations into domestic legislation and how they are to be carried forward. In its reliance on secondary legislation, the Bill takes away the House’s ability—the ability of all us Members—to ensure that existing protections remain. I want to make sure that not only environmental but other protections from European legislation remain; if they will not, I want to be able to raise those issues with the Government and in the Chamber.

Government statements have said that they are going to transfer all regulations—everything is going to be okay, and it is all going to be incorporated into UK law—but as more than one Member has said today, the devil is in the detail. It is that detail that we need the opportunity to deal with. To use another well-known phrase, fine words butter no parsnips. The Government have come forward with fine words, but we need them to come forward with practical mechanisms to allow the proper scrutiny of regulations in this House, and they must do so.

10.41 pm

Tommy Sheppard (Edinburgh East) (SNP): Some Government Members seem perturbed at the description of clause 7 as a power grab, but given the breadth of its powers and the absolute and unqualified way in which they are presented, the legislation represents a transfer of political authority from the elected House of this Parliament to the political Executive of Government on a scale not seen in modern times. Any democrat should be concerned about that, but what concerns me even more is Ministers’ justification for why such powers are necessary. They are effectively saying that this is now the only way that they can achieve Brexit and get the job done. That speaks volumes about the woeful inadequacy of the Government’s preparations for leaving the European Union.

It is no surprise: we all know and, indeed, have always known that the repatriation of European law and its integration into UK law would be complicated. It will throw up inconsistencies and anomalies and it will require further legislation. That is no secret. It is perturbing that 15 months after the referendum, having built a brand new, shiny Government Department, committed hundreds of millions of taxpayers’ money to the process and instructed thousands of civil servants on the job, the best the Government can come up with is, “Trust us; it will be all right on the night.” Where is the schedule of the principal EU laws that are to be repatriated, indicating the effect on domestic legislation and bringing forward legislative amendments for the House’s approval in order to make it work? Where is the schedule—the plan? There is none. It is a shocking abrogation of the Government’s responsibility.

If clause 7 is a power grab by the Executive, clause 11 is a power grab by the British state over the United Kingdom’s devolved national Parliaments. Let me explain it this way to my friends in the Scottish Conservative and Unionist party. Twenty years ago to the day, we voted to establish a national Parliament in Scotland. Our predecessors in this place went on to decide what its powers should be. If this country had control over fishing and agriculture back then, there would have been no dispute whatsoever: those powers would have been given to Holyrood. They would not have been included in schedule 5 to the Scotland Act 1998, which sets out the reserved powers. It would have been seen as an automatic, simple thing to do, yet that is not what is happening under the Bill, and we have to ask ourselves why.

We are being invited to trust Ministers, but I want to withhold my trust, because there are alternatives that they could have considered. They could simply have repealed the relevant bits in the 1998 Act and changed schedule 5. They could have repealed the measure and put in a new qualification on the Scottish Government to comply with whatever international agreements the UK forms in the future, or—here is the kicker—they could have said in the Bill, “This is our intention to devolve these powers,” and they could have put a time limit on that, after which it would automatically happen. The absence of that leads me not to trust the Government.

Drew Hendry: Does my hon. Friend agree that it would be incredible if the Scots Tories voted for this Bill to take powers away from Scotland, when even their leader, Ruth Davidson, says that this could do great economic harm to the UK?

Tommy Sheppard: I absolutely concur with my hon. Friend. I say to colleagues opposite: do not let yourselves be played for fools. It is quite clear that there is no intention to devolve. The reason why we warn about this Bill being a danger to devolution is that it is against not just the letter, but the spirit of the Scotland Act 1988, which achieved devolution.

Bill Grant: I thank the hon. Gentleman for giving way. Will you tell the House what powers will be taken away from Scotland with this Bill? Will you detail the powers that we are taking away—

Mr Speaker: Order. I can do no such thing, but the hon. Member for Edinburgh East (Tommy Sheppard) might be able to do so.

Tommy Sheppard: I find it incredible—Members on the Government Benches have had the answer to this question on three occasions. The point is that there is an opportunity in this place, in this month, in this debate to transfer powers from Brussels to Holyrood, and it is not being taken. Government Members invite us to trust them, but I fear that we cannot do so; if we could, they would have made clear their intention in the Bill. That is one reason why I will vote to decline giving this Bill a Second Reading tonight.

Bill Grant *rose*—

Tommy Sheppard: I ask the hon. Gentleman to please sit down, as time is very short.

Finally, many Members have stood up and said how their constituents voted over Brexit. Let me put this on the record: the people who sent me to this place to speak on their behalf voted by 74% to retain their European citizenship and against the process in which we are now engaged. The people of my country voted by 62% to retain their European membership. We were told in 2014 that the independence referendum was not a matter of Scotland dissolving itself and its citizens becoming part of another country. It was about a political union between Scotland, England, Wales and Northern Ireland. Within that Union, according to David Cameron, the views of Scotland would be respected. I call now for that respect to be shown to Scotland and to the Scottish Government. I know that the UK will leave the European Union—that much is certain—but what happens next must be different in different parts of the United Kingdom; it must be different in Scotland, so that Scottish interests can be protected. I say to the Conservative and Unionist party in Scotland: you may have a majority in this vote, but you are alone tonight in Scotland in letting this process go through.

10.48 pm

Alex Norris (Nottingham North) (Lab/Co-op): During June's election, I made two promises about Brexit to my electorate, now my constituents: first, that I would respect the outcome of the referendum; and secondly, that I would work to get the best deal for our fine city. Those are promises that I endeavour to keep every day—I am visibly proclaiming that—and I will do so today by voting for Labour's reasoned amendment and against this Bill getting its Second Reading.

It is of course critical that we recognise the outcome of the referendum. The majority of my constituents, and of our country, voted to leave the EU, and they rightly expect their Parliament to get on with the process; I accept that. However, we are talking about not whether we should leave—although regrettably we have spoken a lot about that today—but how we do it. We were not voted in to give Ministers unfettered, unqualified and unchallenged access to doing as they wish. This Bill is fatally flawed, because it utterly bypasses the very Parliament that our constituents elected us to form. That is not a leave or remain issue, or a left or right issue, and it is certainly not an issue of patriotism; it is about believing in our British democracy. If we did accept the Bill tonight, what would we not accept? If Parliament could be demeaned and reduced to a footnote at the stroke of a Minister's pen, and if decades of hard-won rights could be dissolved on the 16:50 train back to a Minister's constituency, what would be the point of having this parliamentary democracy?

To accept this Bill is to accept that Parliament is the Executive's creature. That is not taking back control. Parliament is sovereign and should have the due opportunity to act as such. We have been asked to take on trust Ministers' assurances—"Don't worry, the Bill will be improved over this process, and certainly don't worry if it comes into law, because all these lovely powers you're giving us, we'll give straight back." I say to the Chamber: be very wary of the politician who says there is no alternative but to give them absolute power over something. Similarly, be very wary of the politician who says that they will give that power back.

Lloyd Russell-Moyle: Does my hon. Friend agree that the Government did not want us to debate Brexit originally? It took a court case for article 50 to be brought to this place, so we should not trust this Government, because they have been dragged kicking and screaming every step of the way.

Alex Norris: I thank my hon. Friend for his intervention. I know that in lofty debates such as this, which people will study for decades, we ought to quote high-minded sources to respond to such questions. I am going to draw on a favourite quote of mine, from a guy called Jim Palmer. He is an American. He is not a founding father; he was a Baltimore Orioles pitcher and is a member of the Baseball Hall of Fame. He said something really illustrative:

"how you do one thing is how you do everything."

As my hon. Friend says, the one thing that the Government did over article 50 tells us exactly how they will behave in the rest of this process, and exactly why we should not take the encouragement of Conservative Back Benchers to trust their Ministers. History has shown that not to be a good idea.

Those same Government Members have also said to us, "Hang on a minute, you're just dragging your feet. You've not offered a constructive alternative." I have sat here for pretty much every minute of the last seven hours and 20 minutes, and I have heard the constructive alternative offered from Opposition Members many times. We all agree that we will need to put European legislation into British law—in fact, I am quite surprised by how readily Government Members agree and cheerlead for that—but that while it is clear that the vast majority

of it will be uncontroversial and technical legislation that we need to get on with, there needs to be a triage process that brings before Parliament the things that do not fit into that category. Otherwise, what is the point of us?

This could be a watershed moment for our democracy. We know the cynicism about the work that we do here and our motivations for doing it. People who have watched us today will have seen us at our best, and they should see us do this every day on such important matters. This should be a watershed moment in the Brexit process, too, because we know how much of a struggle that is proving. We are wandering around the continent, drifting from place to place, never quite sure who is with us and who is not. Those are the characteristics of a bad stag do, not a negotiation strategy.

Today could be watershed moment. Across the House, we have had common cause about wanting to work as equal partners with our European friends. Let us do that. Let us take their invitations to speak at the European Parliament. Let us say today that we are going to protect the rights of their citizens who live in our country. Let us change our debate, because I find in life that, even with the most hardened enemy, once we stretch a hand out, it is incredible how often a hand is stretched back.

10.53 pm

Ruth George (High Peak) (Lab): It is a pleasure to follow my hon. Friend the Member for Nottingham North (Alex Norris).

As I said in the general election campaign and since to my constituents, I respect the result of the referendum, but this Bill is not about whether Britain leaves the European Union. It is about how we leave it, what role Parliament has in the process and how we safeguard all our vital rights and protections as we leave. I believe that Brexit must not lead to any drop in those rights and protections and that the power to decide them should be brought back to Parliament. In fact, bringing powers back to Parliament was one of the major arguments of Brexit's proponents. In March 2016, the Foreign Secretary announced his decision on how he would campaign in the referendum, saying:

"Sometimes the public can see all too plainly the impotence of their own elected politicians... That enrages them... Democracy matters... At a time when Brussels should be devolving power, it is hauling more and more towards the centre, and there is no way that Britain can be unaffected."

Well, we have not been unaffected. In fact, the Government are now looking to our decision to leave the EU as an excuse for far greater centralisation of power than we have had for almost 500 years. The Bill would put huge and unaccountable power into the hands of Ministers, sideline Parliament on major decisions and thereby put our crucial rights and protections at risk. Members should not just take my word for it.

Lloyd Russell-Moyle: Does my hon. Friend agree that the recent case of the Government acting illegally over employment tribunal fees is an example of how they cannot be trusted to act legally and justly for this country, and why Parliament needs to scrutinise them?

Ruth George: I absolutely agree.

The House of Commons Library, in its impartial comment, says:

"Clauses 7, 8 and 9 of the Bill grant the Government new and unprecedented powers."

Parliament is being asked to grant wide powers when there is little idea yet of how they might be exercised.

I have seen for myself how the process of secondary legislation can be abused, when working on behalf of low-paid shop workers, many of whom are subject to attacks and injury. Five years ago, I was appalled at the secondary legislation Committee that debated some of the most abhorrent cuts proposed by the last Government—cuts to compensation for over 90% of innocent victims of crime. To their credit, every single Conservative Member on the First Delegated Legislation Committee called on the Government to withdraw or amend their proposals, including the right hon. Member for Wokingham (John Redwood), who is not renowned for his opposition to spending cuts.

However, instead of listening to their own Members and to the whole Committee, and instead of reconsidering the legislation, the Government just changed the Committee. Six weeks later, the same proposed cuts came back to a second Committee with three Parliamentary Private Secretaries, the vice-chair of the Conservative party and the Conservative party chair's parliamentary adviser. As the hon. Member for Totnes (Dr Wollaston) told us, the Conservatives on the new Committee said not one word during the two-hour debate on the proposals; instead, they simply voted them through.

It is wrong for the Government to use this Bill, which is fundamentally important to the process of Brexit, to seek such methods to undermine our powers in Parliament. This power grab is so significant that it undermines the primary purpose of the Bill—to transpose EU regulations into UK law.

We are expected to believe that the Secretary of State for Exiting the European Union is listening to the comments made on both sides of the House about the flaws in this Bill, but he has not been seen in the Chamber for the last seven and a half hours of this debate, so I am not quite sure how much he is listening.

Such sweeping powers as the Government are seeking would cause lasting damage to the role and power of Parliament and do nothing to help deliver the Brexit deal we need—one that puts jobs and the economy first and maintains our rights and protections.

As the hon. Member for North East Somerset (Mr Rees-Mogg) put it just a month ago:

"It is about control. Do we make our laws according to our own democratic principles on the day we have left or not?"

The Bill says that we do not. For that hon. Member and for all other hon. Members, this Bill is about upholding our democratic principles. By voting against it, I will uphold those principles.

10.58 pm

Sammy Wilson (East Antrim) (DUP): DUP Members' starting point on the Bill is, "Does it help us deliver the will of the people of the United Kingdom to leave the EU?" We believe that it does. We believe that it is, in fact, an essential building block.

I have listened to the arguments that have been made today. Some Opposition Members—the hon. Members for Bath (Wera Hobhouse) and for Cambridge

[Sammy Wilson]

(Daniel Zeichner) and the right hon. Member for Tottenham (Mr Lammy)—have made it quite clear that their reason for opposing the Bill is that they do not want to leave the EU. If they had stopped there, I could have understood their argument, but it is rather ironic that they go on to say how undemocratic the Bill is when they are quite happy to stay in the EU with directives and other laws going through without any reference to this House. In fact, 20,000 have gone through, yet those Members want to continue that.

Lady Hermon (North Down) (Ind): I am very grateful to the hon. Gentleman for allowing me to interrupt his rhetoric. There is one critical point that I would like him to address, and that is that the Bill is not going anywhere without the legislative consent of the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. We have no Assembly in Northern Ireland, so how will the Government get legislative consent?

Sammy Wilson: The fact that we do not have an Assembly in Northern Ireland might make it easier for the Government, but we will leave that aside.

The other argument that has been made is that the Bill is flawed and people want changes, yet the only way of getting them is to allow it to go to the next stage where the Minister has already made it clear he will consider amendments, provided that they are not designed as wrecking amendments.

May I make something clear from our point of view? We do not want to give the Government carte blanche to do whatever they wish. First, that is why we wanted to leave the EU. Secondly, we have had some experience of that in Northern Ireland. During the period of direct rule, decisions about the laws in Northern Ireland were made by Orders in Council in this place, which could not be amended. Of course, that sometimes led to bad law.

Arguments have been made against the Bill, claiming that it is a power grab. It is quite clear from what Ministers have said, from what the legislation says and from the restrictions placed on Ministers that that is not the case. First, it enables EU law to be brought into the sphere of this Parliament where eventually, if it is not appropriate, it can be amended through due process. Secondly, Ministers have made it quite clear that the powers in this legislation will be limited. Thirdly, they have made it clear that they will be only for technical amendments and that there cannot be changes, for example, that create criminal offences, change human rights, introduce new tax powers and so on. There are limits on what Ministers can do.

Ruth George: Does the hon. Gentleman agree with the House of Commons Library that in spite of what he has said it is difficult to ascertain how the content of the Bill can be regarded as any limit on the scope of the powers given to the Government under clause 17?

Sammy Wilson: Of course there are limits, and the ultimate limit is that we have heard speeches from Government Members today, and a considerable number of people, not just on the Opposition Benches, have made it quite clear that they perceive dangers in this Bill and would not give the Government a free hand.

If Ministers tried to overstep the promises made on the Floor of the House and the limits on the face of the Bill, we can be sure of one thing: it will probably not be Opposition Members who stop Ministers doing that but Government Members. That is the ultimate brake on Ministers who try to abuse the powers that are being given to them.

Mr Francois: Reference was made earlier to the Lisbon treaty and, like me, as he was in the House at the time, the hon. Gentleman will remember debating it night after night. There is a fundamental difference between that and the Bill, in that the Bill can be amended in Committee or on Report, whereas we could not change a single dot or comma of the Lisbon treaty.

Sammy Wilson: Of course. That is the flaw in the argument of Opposition Members who have said that this Bill is flawed and therefore ought to be rejected tonight. If the Bill is flawed, the place to change it is here when it comes back for debate and amendment in Committee. That is the real test of whether people want an effective Bill, or no Bill because they do not want us to leave the EU in the first place.

Let us consider the impact of not having the powers in this Bill. First, we would now be gummed up for the next number of years in trying to get the legislation through. Secondly, there would be no certainty for businesses. I have heard people say here so many times, “We need certainty.” Well, the one way of having certainty is to transfer EU law into UK law so that there is a framework. Lastly, the Bill will enable Ministers, when they go out to negotiate our free trade deal with the rest of the EU, to ensure that we start from a basis of compliance and equivalence.

11.5 pm

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to follow the hon. Member for East Antrim (Sammy Wilson). It was interesting to hear him say that he does not wish to give the Government carte blanche; I think he omitted the phrase, “Unless they give us £1 billion.”

My constituents voted overwhelmingly to remain in the European Union, and I have been clear in my commitment to continue to speak up for their views. In Dulwich and West Norwood, we are deeply concerned about the impact of Brexit on the economy, on our public services, on our rights and protections at work, on our justice system, on our environment, and on our local communities. We are concerned about the practical impact of Brexit on the number of nurses in our NHS, on the number of construction workers building the homes we so desperately need, and on rising inflation as a consequence of the fall in the value of the pound. We are also concerned about the impact of Brexit on our British values of tolerance, diversity and internationalism.

Over the past year, this Government have done nothing at all to reach out to the 48% of voters who voted to remain—nothing to reassure us that our legitimate concerns are being listened to and will be addressed. The Prime Minister sought to strengthen her mandate to implement Brexit on her terms at the general election, but her mandate was weakened. If one thing is absolutely clear from the general election result, it is that the Government absolutely do not have a mandate to implement Brexit

on any terms. They do not have a mandate to implement a harmful Brexit. They do not have a mandate to be dishonest with the British people about the impact that Brexit will have, or to skirt over the detail of important constitutional change, yet the Government persist in running scared of parliamentary scrutiny, and have responded to criticism and the clear feedback of the UK electorate not by engaging, reaching out and reassuring, but by closing down debate. The Bill as drafted would put huge and unaccountable power into the hands of Government Ministers and put crucial rights and protections at risk. It is nothing less than a power grab for Tory Ministers, and it fundamentally undermines parliamentary democracy.

The single biggest commitment made by the leave campaign was to spend an additional £350 million a week on our NHS. There is no sign whatsoever that the Government are even close to being able to fulfil this commitment. The longer the negotiations progress, the less confidence many people will have that the Government are capable of negotiating a Brexit deal that will protect our national interests. Yet in the EU withdrawal Bill, this minority Conservative Government are seeking permission to implement Brexit on any terms, at any cost, and that is simply not acceptable.

The article 50 process has already eroded Parliament's role in relation to the Brexit negotiations, denying a meaningful vote on the Government's proposed final deal, and we are now being asked to surrender control over the future direction of legislation that derives from the EU. This EU withdrawal Bill is designed to set a baseline of legislation for erosion and dismantling, with no mechanism for keeping pace with future developments in EU law, rather than a foundation for further development and a strengthening of rights and protections. The Government cannot expect the British people to have confidence that they will still be able to rely on the protections and regulations we currently receive from the EU when the EU withdrawal Bill, as currently drafted, would give the Government the power to vary regulations at will.

The promises made by the leave campaign and the Government in relation to Brexit are fast proving to be the emperor's new clothes, and I, for one, am not afraid to say that I cannot see them. My constituents did not vote for Brexit, and they certainly do not accept it on any terms. The Brexit negotiations must take place in an open and transparent way, and they must be accountable to Parliament. If, as I suspect, these promises cannot be delivered by Brexit, we must have the opportunity to reject the Government's deal and go back to the drawing board. I urge Members across the House, whether they are in favour of Brexit or not, to reject this Bill because it places too much power in the hands of too few Ministers, it compromises the sovereignty of Parliament, and, in doing so, it works—

Mr Speaker: Order. I call Lloyd Russell-Moyle.

11.9 pm

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op):
Mr Speaker,

“We will scrap the Conservatives’... White Paper and replace it with fresh negotiating priorities that have a strong emphasis on...the Single Market”

and putting “the economy first”. That was the manifesto on which Labour Members stood only a few months ago. We said that we would scrap this Bill and send it back. I beg Labour colleagues who are thinking about voting with the Government to consider that they stood, only a few months ago, on scrapping the White Paper, and I urge them to stand by the manifesto they stood for.

Some Conservative Members would, like ostriches, like to shove their heads into the sand—they want Brexit on any terms—but they are a minority. I believe that the majority of Conservative Members genuinely want a decent Bill that will aid the transition between our being in the European Union and being out of it.

I am a remainer. Just like most of my constituents, I would love to remain in the European Union—we will make that case—but I am also a democrat. However, being a democrat is not about just handing all powers to the Executive; it is about holding them to account each step of the way.

I have listened to lots of the arguments from Members on both sides of the House about how the Bill could be improved. There is a strategy—a legitimate strategy—of saying, “Let us pass it tonight and amend it in Committee.” However, I think that that is incorrect, because the flaws in the Bill are so huge and fundamental that if we followed that strategy, we would be fiddling with the deckchairs on a sinking ship. Unfortunately, what we must do is to send this Bill back.

I will outline a few areas in which the Bill fundamentally fails to live up to decent democratic principles and restricts the rights of our people. It removes the charter of fundamental rights from UK law. Let us be very clear that that charter provides digital rights, asylum rights, pension rights for LGBT people and safeguards for maternity rights. At the moment, for example, it ensures that a gay couple who marry here in the UK have their marriage recognised elsewhere in Europe.

Geoffrey Clifton-Brown (The Cotswolds) (Con): The hon. Gentleman talks about the charter of fundamental rights. What is wrong with our Supreme Court, which is one of the most respected judicial systems in the world, providing those very same rights?

Lloyd Russell-Moyle: There is nothing wrong with our Supreme Court, but what better than to have an additional protection? I think that the hon. Gentleman makes a ridiculous argument.

My next point is about safeguards for the current statutory instruments. Much of EU law has been brought into UK law as statutory instruments. Those statutory instruments are underpinned by EU law, which includes an ability to fine Governments for overstepping that law. If EU oversight is removed but the statutory instruments continue to exist, they will be weak to amendment through the negative procedure. That puts people's rights to things such as TUPE and the working time directive at risk. Clearly, therefore, those statutory instruments should have additional statutory underpinning such that they cannot be removed using the negative procedure.

Ruth George: Does my hon. Friend agree that we should not trust the party that refused to implement the social chapter at all, with all its rights at work that come from Europe?

Mr Speaker: Order. Before I call Mr Russell-Moyle, I would point out that every intervention is mucking up the chances of the remaining speakers who want to make a contribution. I call Mr Russell-Moyle.

Lloyd Russell-Moyle: I agree. The Bill also—[*Laughter.*] I wanted to move on quickly.

The Bill also fails completely to mention or touch on how some of the soft-law mechanisms will be brought into the UK framework, such as the open method of co-ordination. It does not even mention that area of EU co-ordination. We will clearly want to adopt significant parts of it, but the Bill is completely quiet about it.

Of course there is a need to give Ministers certain powers, but even the emergency powers provided during the second world war were not powers for Ministers to spend unfettered amounts. This Bill gives Ministers the power to spend such amounts and gives them unheard-of powers. It is not a democratic Bill, and it cannot be classed as bringing power back to this country or to this Parliament. Clearly what we need to do tonight is to vote against this Bill. We need to send it back and get the Government to give us a decent Bill that will preserve our democratic rights for our people and for our Parliament.

11.16 pm

Joanna Cherry (Edinburgh South West) (SNP): Last week, we heard excellent forensic legal analysis, on both sides of the House, from the shadow Secretary of State for Exiting the European Union and from the right hon. and learned Member for Beaconsfield (Mr Grieve). I endorse much of what they both said but, for my part, I, like my SNP colleagues, will vote against the Second Reading of the Bill. There is no question that the Scottish National party could support the Bill until there is considerable movement towards respecting the wishes of Scottish voters who, as well as having endorsed the devolution settlement 20 years ago tonight, also voted to remain in the European Union.

Conservative and Unionist Members for Scottish constituencies seem to be a little hard of hearing and appear not to have read their briefings about the Bill—or indeed the Bill itself—so let me spell out for them why this is a power grab on the devolved institutions. I will use not my own words, but those of the non-partisan and neutral Law Society of Scotland:

“The effect of the bill would be to remove the legislative competence of the Scottish Parliament in relation to any matter in retained EU law. This would be the case even if it related to areas of law not reserved to the UK under the Scotland Act, such as agriculture or fisheries.”

There are some of the devolved powers that are being grabbed back.

If Conservative Members cared to examine the Bill with the attention it deserves, particularly in relation to Scotland, they would see that it creates a complex division of decision-making responsibility that does not reflect the reality of devolution. In particular, it empowers UK Ministers to make changes in devolved policy areas without any involvement of either the Scottish Government or the Scottish Parliament. This includes policy areas such as the Scottish justice system, where the Scottish Parliament has primary responsibility. That is why we say that this Bill is a power grab.

Twenty years ago tonight, I hosted a party in my flat in Edinburgh for friends from all political parties that had voted for devolution in Scotland. The devolved scheme that followed was the brainchild of the late, great Donald Dewar.

Chris Law (Dundee West) (SNP): On the position of Scottish Conservatives on devolution, I thought that Scottish Tory MPs would be interested in some breaking news. The Scottish Conservative leader, Ruth Davidson, has said on the BBC in the past hour that she is “not flying the flag for Brexit”,

and would in fact vote again for remaining in the EU. I would like to hear what my hon. and learned Friend has to say about that.

Joanna Cherry: My hon. Friend makes my point for me.

The point I was about to make is that 20 years ago in Scotland, people from all political walks of life voted for the devolved settlement. It is the settled will of the Scottish people. The question for the 12 new Scottish Tory MPs is: will they make their presence felt in this Parliament, and will they protect the democratic will of the Scottish people, including their own constituents, who voted for devolution 20 years ago by 75% and voted to remain in the European Union by 62%? Tonight is a test of their mettle. Will they represent their constituents' views? Will they defend the devolved settlement in Scotland? Will they follow what their leader in Scotland, Ruth Davidson, has said, or will they troop through the Lobby like lobby fodder to undermine the settled will of the Scottish people and their constituents?

Several hon. Members *rose*—

Mr Speaker: Order. I call James Frith—three minutes.

11.20 pm

James Frith (Bury North) (Lab): I join the House only 48 hours after the birth of my son, Bobby James. Dads on this side of the House proudly change nappies before coming to Parliament; we do not get out of changing nappies because we are in Parliament.

Having considered how we exit the baby, I am now considering how we exit the European Union. As many Members have said, this is not about whether we leave but how. For me, opposing the Bill is scrutiny, not mutiny, on Brexit. I maintain a commitment that I made to the people of Bury North in my election victory to fight for a practical Brexit. I do not trust the Government to show Britain the best exit, let alone set it out with vision and aplomb. Bombastic swagger, yes; vision, zero. It was going to be easy, we were told, but I ask for more grace in negotiation. Perhaps Ministers could remember the 48% as well as the 52% when handling Brexit. The referendum result was clear, fair and decisive, but in exiting we need a deal that works for the 48 and the 52, not the 1922.

I stood at the election with a clear view on Brexit that, as a remainer, I would fight for a Brexit that worked for everyone in Bury North. Whether people were leavers or remainers, it was time for unity—a practical Brexit that kept uppermost in people's minds jobs, skills and opportunities for all. The result of the election did not change the Government's instincts overnight. They have not changed their position on

workers' rights, on access to justice, on working time, or on security and safety at work. Those measures were bombarded on their way into law, and they will be picked apart by Government Members in the transition. The repeal Bill should be a copy and paste exercise, but instead the Government seek measures that would allow them not to copy and paste but to copy and cut. Decades of social progress, enshrined in law, are at the mercy of the pick-and-choose brigade who run the Tories. If foxhunting and grammar schools are back on the agenda, what of workers' rights? I urge Members to vote against the motion. They should accept Brexit, but how we leave matters: they should not support the Government on the Bill.

11.23 pm

Melanie Onn (Great Grimsby) (Lab): The Secretary of State for Exiting the European Union urged us to vote for the Bill, and said:

"Providing certainty and stability in the lead up to our withdrawal is a key priority. Businesses and individuals need reassurance that there will be no unexpected changes to our laws after exit day and that is exactly what the repeal Bill provides."

If the Government really wished to provide certainty they would guarantee in the Bill that there would not be any reductions in workers' rights post Brexit. The Secretary of State and the Prime Minister have gone to great lengths to reassure us that people will not see any reductions in their rights at work under this Government, but the White Paper covers only two of the three main ways in which rights could be reduced after Brexit. The third is by leaving those rights in secondary legislation, coupled with the powers that the Government have sought to grant themselves in the Bill, which would allow any Government in future to water down basic privileges that people enjoy at work today. The only assurance we are being offered that that will not happen is the words of the Secretary of State asking us to trust him and his Government. I am afraid that it just is not good enough to ask us to place our faith blindly in the Government. The point has already been made in this debate that even if we were inclined to trust him based on his record, those around him continue to fail to convince us that they would carry through their lightly given assurances.

My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), in his excellent speech on Thursday, quoted the Foreign Secretary, the International Trade Secretary and the International Development Secretary, who have all made their true intentions known on this issue. He could have added to that list the Transport Secretary, who said in 2014 that he wants to "slay health and safety culture", or even the Prime Minister, who said that the Labour Government's adoption of the social chapter showed their weakness in standing up to trade unions. According to the Prime Minister, the only reason a Government would ensure that part-time workers are treated the same as full-time workers, ensure that no one is made to work more than a maximum of 48 hours a week, or secure leave for pregnant women, is if a trade union made them do it.

I cannot in good conscience support the Government's Bill, which I fundamentally believe fails to protect the scrutiny role of Parliament, and therefore puts the rights and interests of working people at even greater risk. I genuinely hope that Ministers will consider carefully and take on board the well thought out objections to

the Bill from those on the Government Benches. However, I cannot share those Members' optimism that the Government are listening all that closely.

11.26 pm

Mike Hill (Hartlepool) (Lab): I have cut down my speech, because it is almost the witching hour and the Brexit Minister needs to weave his magic.

I represent the town of Hartlepool and the outlying villages. I have about 96,000 constituents, and in the EU referendum, of those who voted, more than 70% voted to leave—the highest percentage in the north-east. Clearly, the vast majority of people in my constituency want Brexit. It is my duty, as their MP, to reflect that opinion, but I believe it would be a dereliction of that duty if I voted to give Ministers executive powers to implement changes to complex and important regulations without recourse to scrutiny by Parliament.

Despite all the rhetoric and spin, I do not see voting against this power-grab Bill as blocking Brexit—far from it. As a former union official, I know that if you allow the other side to have it all their way in negotiations you may as well not be in the room. That would not be acting in members' best interests. I believe I am acting in my constituents' best interests by voting to protect the right to hold the Government to account during the Brexit process. To do otherwise would be unacceptable and disrespectful to my constituents.

11.27 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): It is a pleasure to wind up this Second Reading debate. I pay tribute at the outset to all those who have contributed to it. Sadly, it is not possible to recognise all the impressive contributions that have been made over the course of this two-day debate, but I would like to single out and congratulate my hon. Friend the Member for Bury North (James Frith) on the birth of his son, and my hon. Friend the Member for Canterbury (Rosie Duffield) on her excellent maiden speech. She brought home to the House not only her love for her constituency, but how much it benefits from economic and cultural exchange with our partners in Europe.

A large number of contributors have stressed the historic nature of this debate, and they were right to do so. The Bill before us is one of the most constitutionally significant pieces of legislation in our country's history and, in practical terms, will facilitate one of the largest legislative projects ever undertaken by Parliament. The maturity and seriousness of much of the debate that has taken place has rightly reflected the significance of the issues at stake.

The Opposition accept that the Brexit process requires legislation to disentangle the UK from the European Union's legal structures and to ensure that we have a functioning statute book on the day we leave. Indeed, we acknowledge that this is an essential step if we are to avoid the most chaotic of departures, and as such the Secretary of State is absolutely right to argue that every hon. Member has a shared interest in getting the legislation right.

As many hon. Members have rightly argued, the Bill is not about whether Brexit will take place. As the Secretary of State made clear in his opening remarks last week, the Bill in itself will not determine whether we leave the European Union. That decision was taken

[Matthew Pennycook]

on 23 June 2016 in the referendum and was given effect by the triggering of article 50, an act of notification that was itself only possible because this House, including Labour Members, overwhelmingly backed the Government's European Union (Notification of Withdrawal) Bill. What is at issue is how we leave, the role of Parliament in that process and the precedents we set. As the right hon. and learned Member for Rushcliffe (Mr Clarke) argued in a characteristically incisive speech on the first day, the question is not whether a Bill such as this is necessary but whether this particular form of the Bill is remotely acceptable. Quite simply, we do not believe it is.

Of the significant number of speakers in this debate, only the most cavalier have failed to remark upon the flawed nature of the Bill. As my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) so forensically exposed last week, those flaws are not just serious; they are fundamental. The deficiencies in our delegated legislation system have been remarked upon by many Members, not least in the powerful contributions by my hon. Friends the Members for Rhondda (Chris Bryant), for City of Durham (Dr Blackman-Woods) and for High Peak (Ruth George), but the delegated powers conferred on Ministers in clauses 7, 8 and 9 are extraordinary in their constitutional potency and scope. As several hon. Members have mentioned, clause 9 could theoretically be used to amend the Act itself, with only the most basic restrictions acting as safeguards against an overweening Executive. Given that clause 9 allows for the use of sweeping powers over the implementation of the withdrawal agreement, the Bill would allow all aspects of such an agreement, including the divorce bill, to be agreed by Ministers with the least possible scrutiny in this place.

Clause 17 is a power so extensive in its potential application that it could extend to every facet of our national life, and as a consequence opens up the possibility of changes to vast areas of law without full parliamentary process. As my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) put it in her passionate contribution, these are powers that would make a Tudor monarch proud.

To those who believe that we can merely correct those powers—that we can put through enhanced scrutiny in Committee and the Bill will be fixed—I say that the sweeping powers in the Bill are not its only weakness. Provisions in the Bill rule out a sensible transitional arrangement. Far from delivering clarity on the status and nature of EU-derived law, the Bill is riddled with ambiguities that will create deep uncertainty about how this body of law will apply after incorporation. In ruling out the charter of fundamental rights for purely ideological reasons, the Bill could mean that individuals and businesses cannot assert the rights that it elsewhere seeks to maintain. And in its treatment of the devolved institutions, the Bill risks further destabilising the Union between the four nations of the UK. In short, it is a fundamentally flawed Bill, and the right hon. and learned Member for Beaconsfield (Mr Grieve) was right to refer to it in his contribution as an “astonishing monstrosity”. As he put it in an article in the *Evening Standard* on Thursday, it

“seeks to confer powers on the Government to carry out Brexit in breach of our constitutional principles, in a manner that no sovereign Parliament should allow.”

The central questions before each Member are whether they truly believe the Government accept just how deficient the Bill is, whether they trust Ministers to co-operate in rectifying its many deficiencies and whether, as a consequence, they are confident that it can be made watertight in the eight days that the programme motion allocates for the Committee stage. In short, the question is whether hon. Members believe that it is feasible and probable that the breathtaking tapestry of sweeping delegated powers woven into the Bill can be unpicked and the Bill made good, or whether it is so deeply flawed that, as my right hon. Friend the Member for Leeds Central (Hilary Benn) put it in a brilliant speech, the Government should go away and do their homework again.

We do not need to legislate in this fashion to achieve the necessary aims that lie behind the Bill, and if we are all honest, we will agree that the Government should not have put hon. Members on both sides of the House in this position. Ministers have known for a considerable time of the real and genuinely held concerns about the approach that the Bill takes. The Opposition raised concerns following the publication of the White Paper; we reiterated those concerns when the Bill was first published; and, in a letter to the Secretary of State at the start of the month, we called again for constructive engagement. While many Conservative Members will no doubt all too readily dismiss the concerns that we have raised, those concerns have been echoed for some time by voices from the Government Benches, as well as by parliamentary Committees and numerous non-parliamentary organisations.

In short, the Government have had ample time to make it clear that they are willing to correct the flaws in the Bill and to table amendments which show that they mean it, but only now are we being told that Ministers are in listening mode and are open to ideas for constructive improvements to the Bill. As many Members have noted, we are being asked, in a sense, to take it on trust that conversations will be held, and that we will have assurances down the line about how Ministers will use the powers in the Bill. Yet the Secretary of State, in his opening remarks, defended the wording of the Bill as it stands, and offered no concrete concessions that might reassure Members on both sides of the House. Given the Government's track record, which a number of my hon. Friends have highlighted, we need proof of real movement. We need more than vague offers to talk during Committee stage.

Many of us remain utterly bewildered about why the Bill has been drafted in this form, and why Ministers felt it that it was wise to ignore the Exiting the European Union Committee's call for the Bill to be published in draft so that its flaws could be addressed before we reached this point. The unique challenge of disentangling the UK from the EU's legal structures and ensuring that we have a functioning statute book on the day we leave required a Bill that created consensus across this House, not one that undermines it. It required a Bill that restored power to the House of Commons, not one that concentrates unparalleled power in the hands of the Executive.

All of us—all Members, throughout the House—agree that a Bill of this kind is necessary, but that does not mean that Parliament should accept this fundamentally flawed Bill. It is for that reason, and that reason alone, that the Opposition will vote against it tonight.

11.37 pm

The Lord Chancellor and Secretary of State for Justice (Mr David Lidington): By my count, no fewer than 107 Members have spoken during the two days of this Second Reading debate. I hope that the House will forgive me when I say that, in the time left to me, I shall not be able to respond fully and in detail to each one of those contributions. However, I do want to express my appreciation to all Members who have taken part; and, like the hon. Member for Greenwich and Woolwich (Matthew Pennycook), I want to single out the hon. Member for Canterbury (Rosie Duffield), who made a fine maiden speech. Those of us who were in the Chamber to listen, or who read her speech in *Hansard*, will recall the obvious passion and affection with which she spoke about the different communities that make up her constituency. Let me add that I—and my parliamentary friends—also appreciated the generous tribute that she paid to her predecessor, Sir Julian Brazier, and I thank her for it.

I want to spend the time that I have in trying to address what seem to me to have been the three chief criticisms of the Bill expressed in various quarters of the House during the two days of debate on Second Reading: the question of the underlying principles of EU law; the matter of devolution and the powers of the devolved Administrations; and the issue of the delegated powers that are granted by the Bill. Then, again, I will try to say something about how the Government see the way forward. Let me start, however, by reminding the House why the Bill is needed.

Both the Opposition Front-Bench spokesman, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), and my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), neither of whom could be characterised as ardent champions of the leave cause—indeed, I count myself rather in their camp on the issue—said that the Bill does not determine whether or not we leave the European Union. That was a decision that the electorate took democratically last year, and both the fact of our departure and the process and timetable that govern that have to proceed now according to the process and timeframe laid out in article 50 of the treaty on European Union. What the Bill does is enable us to have a coherent, functioning statute book and regulatory system on the day that we leave and thereafter, because at that date—to take the words of article 50—the treaties cease to apply to the United Kingdom, so the rights and responsibilities that have effect legally in the United Kingdom because of European law will fall away unless they are imported into United Kingdom law by this Bill.

There were many eloquent contributions from Members about the concerns they or their constituents had about the future of various rights—employment rights, environmental rights and so on—that they currently enjoy; the hon. Member for Blaydon (Liz Twist), in recent hours of the debate was one such. My response is that those very employment, environmental and other rights, conferred as a result of EU regulations or judgments of the European Court, are continued by this Bill on a United Kingdom legal basis as part of what my hon. Friend the Member for Louth and Horncastle (Victoria Atkins) described as the wholesale adoption of European law. I have to say to the official Opposition that to vote against the Bill, as they propose to do, is therefore to

vote against continuing those rights on a United Kingdom legal basis. It is to put those rights at risk, and open up the risk of a chaotic departure from the European Union, which is not going to be in the interests of either individuals or businesses in this country.

Mr Kenneth Clarke *rose*—

Stephen Timms (East Ham) (Lab) *rose*—

Mr Lidington: I give way to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke).

Mr Clarke: Throughout the discussion on this Bill, it has been entirely uncontroversial for everybody to agree that a Bill is required to ensure continuity and certainty for existing EU legal arrangements, putting them into British law straight away for the future. Will my right hon. Friend give an undertaking that when we move to the Committee stage in a few weeks, or probably about a month, the Government will produce substantial amendments to address what this whole debate has been about: the huge extension to the Government of discretionary powers that go far beyond the limited ambition my right hon. Friend is describing? I would prefer him and the Government to come back, address those issues and turn this Bill into one that resembles the reassuring descriptions of it that keep being given by the Secretary of State for Brexit and by him—two members of the Government whose word I would actually accept implicitly, but in the political world I have known Governments to go back on reassuring words quite frequently.

Mr Lidington: I want to come on to that point later, but I first give way to the right hon. Member for East Ham (Stephen Timms).

Stephen Timms: I invite the Secretary of State to respond to the criticism of his party colleague, the right hon. and learned Member for Beaconsfield (Mr Grieve), who is surely absolutely right to describe this as an “appalling monstrosity” of a Bill, which the House, frankly, should throw out.

Mr Lidington: That is a not a verdict with which I agree. Some of the criticisms of the Bill have been exaggerated up to and beyond the point of hyperbole, and I will seek to explain why.

In concluding my comments about why the Bill is needed, I want to stress that the time available to us under the terms of article 50 is limited. We must assume that in March 2019 this country will leave the European Union. That will be the deadline, and therefore by that date we need not only to have primary legislation enacted, but to have established the new regulatory bodies. We will need to have given effect to the secondary legislation that is proposed under the defined powers laid out in the Bill.

Several right hon. and hon. Members have said, “Yes, certain rights may be being preserved, but what about the general underlying principles of EU law?” As I said earlier, when we leave, the treaties will cease to apply to this country, but under the Bill, the general principles of European law, as recognised by the Court of Justice before exit day, or as embodied in extant European

[Mr Lidington]

legislation, will be retained in United Kingdom law for the purposes of interpreting retained EU law. Existing sources of rights and domestic rights of action will continue to operate in United Kingdom law undisturbed by the Bill. That includes rights such as the right to equal treatment and non-discrimination. Similarly, notwithstanding our exit from the EU, individuals will continue to be able to challenge secondary legislation and administrative action under our domestic law by way of well-established grounds of judicial review.

To take two important issues that have been raised, all the rights and remedies available under the working time directive or the Equality Act 2010 will remain in force, but they will be enforced through the United Kingdom courts—ultimately, our Supreme Court—rather than through the European courts.

Mr Dominic Grieve (Beaconsfield) (Con): I wonder whether what my right hon. Friend says can actually be correct. The feature of the Bill is that it removes the right of challenge for breach of the general principles of EU law. As a consequence, rights that currently exist and are exercised—indeed, were exercised by our right hon. Friend the Secretary of State for Exiting the European Union—will in future not be available. That is an important point that the Government will have to consider during the passage of the Bill.

Mr Lidington: For the most part, those rights are used when they are given effect through specific items of European Union legislation, rather than in the abstract. My right hon. and learned Friend makes an important point, and it is true that after exit it will not be possible for an individual to bring a free-standing claim, or for the courts to quash an administrative action or disapply legislation on the grounds that it breaks one or more of the general principles of European law, except as those principles have been preserved by the Bill—which will be the case if those principles have been given effect through a specific piece of legislation. That position flows logically from the decision by the electorate to leave the European Union, because that does involve separating the United Kingdom's legal order from the European Union's legal order.

The issue of devolution has been the subject of much debate among Scottish Members of Parliament—

Lady Hermon: I am grateful to the Secretary of State for allowing me to intervene and help him with the general principles of EU law, which are respect for human rights and the principles of proportionality and non-discrimination. Those are principles that we in this country should be enormously proud of and embrace, instead of setting them aside. The Bill, in schedule 1, excludes anyone from relying on those general principles before a court, tribunal or public authority.

Mr Lidington: Those principles of human rights and non-discrimination are embodied in United Kingdom legislation and given effect by our courts. That was the situation 40 years ago, before we entered the European Union, it has remained the situation throughout our membership, and it will continue to be the position, unaffected by this Bill.

As for devolution, every single decision taken by the devolved Administrations will continue to be taken by them. The only question is how we best allocate to the

UK Government and to the devolved Administrations the competencies and powers that will return to this country, because the devolution Acts were drafted in the context of this country's membership of the European Union and the lists of devolved and reserved powers were drawn up against that background. For example, the common fisheries policy includes matters relating to the detailed management and regulation of fisheries, but it also covers EU agreements with third countries, such as the EU-Morocco fisheries agreement, and includes such matters as the UN convention relating to migratory fish stocks—international agreements that one might think should fall naturally to the United Kingdom Government. That will be a matter for continuing discussion between the United Kingdom Government and the devolved Administrations.

We shall need to come forward with some common frameworks to ensure, for example, that a Scottish farmer can sell some of his produce to customers in England or Northern Ireland without having to worry about two different sets of hygiene and food safety regulations, or that a Welsh paint manufacturer can sell freely anywhere in the United Kingdom without having to be concerned about different rules on the regulation of the chemicals in that paint. I am confident that the outcome of negotiations and continuing discussions with the devolved Administrations will be a significant increase in the powers being exercised by those devolved Administrations. That remains the Government's intention. I can also say to my hon. Friend the Member for East Renfrewshire (Paul Masterton) that, yes, Ministers in the Department for Exiting the European Union and across Government will continue to talk to and listen carefully both to the views of Ministers in the devolved Administrations and to parliamentarians in the Scottish Parliament, the Welsh Assembly and soon, I hope, in the Northern Ireland Assembly.

Above all, the debate has centred on delegated powers, and I emphasise that the Bill already contains significant safeguards, which the debate has sometimes tended to overlook. Each of the four clauses that authorise secondary legislation has a defined purpose, and a statutory instrument made under such a clause cannot be made to do something else. It has to deliver something that is within the purpose defined in that clause. If we look at clause 7, for example, the power to make a statutory instrument is limited to something that will put right a failure or deficiency in retained EU law

“arising from the withdrawal of the United Kingdom from the EU.”

That power cannot be exercised for any other purpose. A Minister cannot make regulations because he dislikes the underlying policy or indeed because he dislikes the underlying EU law, but only when there is a problem with the operability of a piece of EU law that has been brought about by this country's departure from the EU.

A similar condition applies to clause 8, which deals with our international obligations. There has been a lot of debate about clause 9, but its powers can be used only for the purpose of implementing the withdrawal agreement. The powers in clause 17 are limited to consequential amendments, and “consequential” has a long-established, tightly defined meaning in parliamentary practice and in law. The idea that there is some sweeping power in the Bill to rewrite the law of the United Kingdom is simply wrong. The statutory instruments may be used only for the purposes set out in the Bill.

In addition, the Government have included sunset clauses. The powers in clauses 7 and 8 lapse two years after exit day, and those in clause 9 lapse on exit day itself. The Bill also includes further safeguards in a list of exclusions from the scope of any delegated legislation, so none of the powers that grant secondary legislation can be used to make retrospective provision, to increase taxation, to create criminal offences or to affect the scope and application of the Human Rights Act 1998.

Despite the assurances incorporated in the wording of the Bill, very genuine, sincere concerns have been expressed on both sides of the House about whether there is sufficient parliamentary control over and scrutiny of how the powers will be used. *[Interruption.]*

Mr Speaker: Order. If the Secretary of State would be good enough to face the House, we would all benefit from his mellifluous tones.

Mr Lidington: It strikes me that there have been constructive comments and suggestions from a range of Members, including my right hon. and learned Friends the Members for Rushcliffe and for Beaconsfield (Mr Grieve), my right hon. Friend the Member for Broxtowe (Anna Soubry), my hon. Friend the Member for Totnes (Dr Wollaston), the right hon. Member for Birkenhead (Frank Field) and the hon. Members for Vauxhall (Kate Hoey) and for Blackley and Broughton (Graham Stringer). Between Second Reading and Committee, the Secretary of State for Exiting the European Union and his team intend to discuss those suggestions further with colleagues on both sides of the House.

We accept that we need to get the balance right—for example, between negative and affirmative procedure and between debates in Committee and debates on the Floor of the House—and, as my right hon. Friend the Secretary of State for Exiting the European Union has already pledged, we wish to discuss further the issue first raised by the right hon. Member for Leeds Central (Hilary Benn) about linking the timing of SIs under clause 9 to the date of debates on the withdrawal agreement, although we will have to bear in mind the possibility that that agreement might be concluded only very shortly before the date of exit.

Mr Grieve: My right hon. Friend is discussing matters that will have to be considered in detail in Committee. A sensible programme motion has been tabled, but can the Government assure the House that, if more time is needed because, in truth, we have difficulty getting through the programme within the period specified, they will properly consider making more time available to the House?

Mr Lidington: We think that the 64 hours that have been guaranteed are reasonable, and they compare with the 39 hours and 17 minutes that the Blair Government granted on the Bill to ratify the Lisbon treaty. We have shown today that, where there is good reason to extend debate further, we are willing to consider it very seriously and carefully indeed. I hope my right hon. and learned Friend will take that assurance in the spirit in which it is intended.

I hope that the House will recognise that it is in the national interest that we put this Bill on the statute book and that we deliver the democratic verdict of the

British people in a way that allows businesses and individuals to plan for their future, confident in what the law will be on and after exit day. I hope that the House will therefore give a clear vote for the Bill on Second Reading.

Question put, That the amendment be made.

The House divided: Ayes 296, Noes 318.

Division No. 13]

[11.59 pm

AYES

Abbott, rh Ms Diane	Cunningham, Mr Jim
Abrahams, Debbie	Davey, rh Sir Edward
Alexander, Heidi	David, Wayne
Ali, Rushanara	Davies, Geraint
Allin-Khan, Dr Rosena	Day, Martyn
Amesbury, Mike	De Cordova, Marsha
Antoniazzi, Tonia	De Piero, Gloria
Ashworth, Jonathan	Debbonaire, Thangam
Bailey, Mr Adrian	Dent Coad, Emma
Bardell, Hannah	Dhesi, Mr Tanmanjeet Singh
Beckett, rh Margaret	Docherty-Hughes, Martin
Benn, rh Hilary	Dodds, Anneliese
Berger, Luciana	Doughty, Stephen
Betts, Mr Clive	Dowd, Peter
Blackford, Ian	Drew, Dr David
Blackman, Kirsty	Dromey, Jack
Blackman-Woods, Dr Roberta	Duffield, Rosie
Blomfield, Paul	Eagle, Ms Angela
Brabin, Tracy	Eagle, Maria
Bradshaw, rh Mr Ben	Edwards, Jonathan
Brake, rh Tom	Efford, Clive
Brennan, Kevin	Elliott, Julie
Brock, Deidre	Ellman, Mrs Louise
Brown, Alan	Elmore, Chris
Brown, Lyn	Esterson, Bill
Brown, rh Mr Nicholas	Evans, Chris
Bryant, Chris	Farrelly, Paul
Buck, Ms Karen	Farron, Tim
Burden, Richard	Fellows, Marion
Burgon, Richard	Fitzpatrick, Jim
Butler, Dawn	Fletcher, Colleen
Byrne, rh Liam	Flynn, Paul
Cable, rh Sir Vince	Fovargue, Yvonne
Cadbury, Ruth	Frith, James
Cameron, Dr Lisa	Furniss, Gill
Campbell, rh Mr Alan	Gaffney, Hugh
Campbell, Mr Ronnie	Gapes, Mike
Carden, Dan	Gardiner, Barry
Carmichael, rh Mr Alistair	George, Ruth
Champion, Sarah	Gethins, Stephen
Chapman, Douglas	Gibson, Patricia
Chapman, Jenny	Gill, Preet Kaur
Charalambous, Bambos	Glindon, Mary
Cherry, Joanna	Godsiff, Mr Roger
Clwyd, rh Ann	Goodman, Helen
Coaker, Vernon	Grady, Patrick
Coffey, Ann	Grant, Peter
Cooper, Julie	Gray, Neil
Cooper, Rosie	Green, Kate
Cooper, rh Yvette	Greenwood, Lilian
Corbyn, rh Jeremy	Greenwood, Margaret
Cowan, Ronnie	Griffith, Nia
Coyle, Neil	Grogan, John
Crawley, Angela	Gwynne, Andrew
Creagh, Mary	Haigh, Louise
Creasy, Stella	Hamilton, Fabian
Cruddas, Jon	Hardy, Emma
Cryer, John	Harman, rh Ms Harriet
Cummins, Judith	Harris, Carolyn
Cunningham, Alex	Hayes, Helen

Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lee, Ms Karen
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine

McMahon, Jim
 McMorrin, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 O'Mara, Jared
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo

Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul J.
 Swinson, Jo
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Walker, Thelma

Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

Nic Dakin and

Vicky Foxcroft

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Mr Graham
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dockerill, Julia
 Dods, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Phillip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Fernandes, Suella
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David

Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Mrs Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi

Lamont, John
 Lancaster, Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark

Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, rh Mel
 Stuart, Graham

Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Mr Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Andrew Griffiths and
Mrs Heather Wheeler

Question accordingly negated.

*Question put forthwith (Standing Order No. 62(2)),
 That the Bill be now read a Second time.*

The House divided: Ayes 326, Noes 290.

Division No. 14]

[12.14 am

AYES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob

Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Mr Graham
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Campbell, Mr Ronnie
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria

Chalk, Alex	Grant, Bill	Lewis, rh Dr Julian	Rowley, Lee
Chishti, Rehman	Grant, Mrs Helen	Liddell-Grainger, Mr Ian	Rudd, rh Amber
Chope, Mr Christopher	Gray, James	Lidington, rh Mr David	Rutley, David
Churchill, Jo	Grayling, rh Chris	Little Pengelly, Emma	Sandbach, Antoinette
Clark, Colin	Green, Chris	Lopresti, Jack	Scully, Paul
Clark, rh Greg	Green, rh Damian	Lord, Mr Jonathan	Seely, Mr Bob
Clarke, Mr Simon	Greening, rh Justine	Loughton, Tim	Selous, Andrew
Cleverly, James	Grieve, rh Mr Dominic	Mackinlay, Craig	Shannon, Jim
Clifton-Brown, Geoffrey	Gyimah, Mr Sam	Maclean, Rachel	Shapps, rh Grant
Coffey, Dr Thérèse	Hair, Kirstene	Main, Mrs Anne	Sharma, Alok
Collins, Damian	Halfon, rh Robert	Mak, Alan	Shelbrooke, Alec
Costa, Alberto	Hall, Luke	Malthouse, Kit	Simpson, David
Courts, Robert	Hammond, rh Mr Philip	Mann, John	Simpson, rh Mr Keith
Cox, Mr Geoffrey	Hammond, Stephen	Mann, Scott	Skidmore, Chris
Crabb, rh Stephen	Hancock, rh Matt	Masterton, Paul	Skinner, Mr Dennis
Crouch, Tracey	Hands, rh Greg	May, rh Mrs Theresa	Smith, Chloe
Davies, Chris	Harper, rh Mr Mark	Maynard, Paul	Smith, Henry
Davies, David T. C.	Harrington, Richard	McLoughlin, rh Sir Patrick	Smith, Julian
Davies, Glyn	Harris, Rebecca	McPartland, Stephen	Smith, Royston
Davies, Mims	Harrison, Trudy	McVey, rh Ms Esther	Soames, rh Sir Nicholas
Davies, Philip	Hart, Simon	Menzies, Mark	Soubry, rh Anna
Davis, rh Mr David	Hayes, rh Mr John	Merriman, Huw	Spelman, rh Dame Caroline
Dinenage, Caroline	Heald, rh Sir Oliver	Metcalfe, Stephen	Stephenson, Andrew
Djanogly, Mr Jonathan	Heappey, James	Miller, rh Mrs Maria	Stevenson, John
Docherty, Leo	Heaton-Harris, Chris	Milling, Amanda	Stewart, Bob
Dockerill, Julia	Heaton-Jones, Peter	Mills, Nigel	Stewart, Iain
Dodds, rh Nigel	Henderson, Gordon	Milton, rh Anne	Stewart, Rory
Donaldson, rh Sir Jeffrey M.	Herbert, rh Nick	Mitchell, rh Mr Andrew	Stride, rh Mel
Donelan, Michelle	Hinds, Damian	Moore, Damien	Stringer, Graham
Dorries, Ms Nadine	Hoare, Simon	Mordaunt, Penny	Stuart, Graham
Double, Steve	Hoey, Kate	Morgan, rh Nicky	Sturdy, Julian
Dowden, Oliver	Hollingbery, George	Morris, Anne Marie	Sunak, Rishi
Doyle-Price, Jackie	Hollinrake, Kevin	Morris, David	Swayne, rh Sir Desmond
Drax, Richard	Hollobone, Mr Philip	Morris, James	Swire, rh Sir Hugo
Duddridge, James	Holloway, Adam	Morton, Wendy	Syms, Mr Robert
Duguid, David	Hopkins, Kelvin	Mundell, rh David	Thomas, Derek
Duncan, rh Sir Alan	Howell, John	Murray, Mrs Sheryll	Thomson, Ross
Duncan Smith, rh Mr Iain	Huddleston, Nigel	Murrison, Dr Andrew	Throup, Maggie
Dunne, Mr Philip	Hughes, Eddie	Neill, Robert	Tolhurst, Kelly
Ellis, Michael	Hunt, rh Mr Jeremy	Newton, Sarah	Tomlinson, Justin
Ellwood, rh Mr Tobias	Hurd, Mr Nick	Nokes, Caroline	Tomlinson, Michael
Elphicke, Charlie	Jack, Mr Alister	Norman, Jesse	Tracey, Craig
Eustice, George	James, Margot	O'Brien, Neil	Tredinnick, David
Evans, Mr Nigel	Javid, rh Sajid	Offord, Dr Matthew	Trevelyan, Mrs Anne-Marie
Evennett, rh David	Jayawardena, Mr Ranil	Opperman, Guy	Truss, rh Elizabeth
Fabricant, Michael	Jenkin, Mr Bernard	Paisley, Ian	Tugendhat, Tom
Fallon, rh Sir Michael	Jenkyne, Andrea	Parish, Neil	Vaizey, rh Mr Edward
Fernandes, Suella	Jenrick, Robert	Patel, rh Priti	Vara, Mr Shailesh
Field, rh Frank	Johnson, rh Boris	Paterson, rh Mr Owen	Vickers, Martin
Field, rh Mark	Johnson, Dr Caroline	Pawsey, Mark	Villiers, rh Theresa
Ford, Vicky	Johnson, Gareth	Penning, rh Mike	Walker, Mr Charles
Foster, Kevin	Johnson, Joseph	Penrose, John	Walker, Mr Robin
Fox, rh Dr Liam	Jones, Andrew	Percy, Andrew	Wallace, rh Mr Ben
Francois, rh Mr Mark	Jones, rh Mr David	Perry, Claire	Warburton, David
Frazer, Lucy	Jones, Mr Marcus	Philp, Chris	Warman, Matt
Freeman, George	Kawczynski, Daniel	Pincher, Christopher	Watling, Giles
Freer, Mike	Keegan, Gillian	Poulter, Dr Dan	Whately, Helen
Fysh, Mr Marcus	Kennedy, Seema	Pow, Rebecca	Wheeler, Mrs Heather
Gale, Sir Roger	Kerr, Stephen	Prentis, Victoria	Whittaker, Craig
Garnier, Mark	Knight, rh Sir Greg	Prisk, Mr Mark	Whittingdale, rh Mr John
Gauke, rh Mr David	Knight, Julian	Pritchard, Mark	Wiggin, Bill
Ghani, Ms Nusrat	Kwarteng, Kwasi	Pursglove, Tom	Williamson, rh Gavin
Gibb, rh Nick	Lamont, John	Quin, Jeremy	Wilson, Sammy
Gillan, rh Mrs Cheryl	Lancaster, Mark	Quince, Will	Wollaston, Dr Sarah
Girvan, Paul	Latham, Mrs Pauline	Raab, Dominic	Wood, Mike
Glen, John	Leadsom, rh Andrea	Redwood, rh John	Wragg, Mr William
Goldsmith, Zac	Lee, Dr Phillip	Rees-Mogg, Mr Jacob	Wright, rh Jeremy
Goodwill, Mr Robert	Lefroy, Jeremy	Robertson, Mr Laurence	Zahawi, Nadhim
Gove, rh Michael	Leigh, Sir Edward	Robinson, Gavin	
Graham, Luke	Letwin, rh Sir Oliver	Robinson, Mary	
Graham, Richard	Lewer, Andrew	Rosindell, Andrew	
	Lewis, rh Brandon	Ross, Douglas	

Tellers for the Ayes:
Andrew Griffiths and
Mark Spencer

NOES

Abbott, rh Ms Diane	Doughty, Stephen	Kane, Mike	Pidcock, Laura
Abrahams, Debbie	Dowd, Peter	Keeley, Barbara	Platt, Jo
Alexander, Heidi	Drew, Dr David	Kendall, Liz	Pollard, Luke
Ali, Rushanara	Dromey, Jack	Khan, Afzal	Pound, Stephen
Allin-Khan, Dr Rosena	Duffield, Rosie	Kinnock, Stephen	Powell, Lucy
Amesbury, Mike	Eagle, Ms Angela	Kyle, Peter	Qureshi, Yasmin
Antoniazzi, Tonia	Eagle, Maria	Laird, Lesley	Rashid, Faisal
Ashworth, Jonathan	Edwards, Jonathan	Lake, Ben	Rayner, Angela
Bailey, Mr Adrian	Efford, Clive	Lamb, rh Norman	Reed, Mr Steve
Bardell, Hannah	Elliott, Julie	Lammy, rh Mr David	Rees, Christina
Beckett, rh Margaret	Ellman, Mrs Louise	Lavery, Ian	Reeves, Ellie
Benn, rh Hilary	Elmore, Chris	Law, Chris	Reeves, Rachel
Berger, Luciana	Esterson, Bill	Lee, Ms Karen	Reynolds, Emma
Betts, Mr Clive	Evans, Chris	Leslie, Mr Chris	Reynolds, Jonathan
Blackford, Ian	Farrelly, Paul	Lewell-Buck, Mrs Emma	Rimmer, Ms Marie
Blackman, Kirsty	Farron, Tim	Lewis, Clive	Robinson, Mr Geoffrey
Blackman-Woods, Dr Roberta	Fellows, Marion	Lewis, Mr Ivan	Rodda, Matt
Blomfield, Paul	Fitzpatrick, Jim	Linden, David	Rowley, Danielle
Brabin, Tracy	Fletcher, Colleen	Lloyd, Stephen	Ruane, Chris
Bradshaw, rh Mr Ben	Flynn, Paul	Lloyd, Tony	Russell-Moyle, Lloyd
Brake, rh Tom	Frith, James	Long Bailey, Rebecca	Ryan, rh Joan
Brennan, Kevin	Furniss, Gill	Lucas, Caroline	Saville Roberts, Liz
Brock, Deidre	Gaffney, Hugh	Lucas, Ian C.	Shah, Naz
Brown, Alan	Gapes, Mike	Lynch, Holly	Sharma, Mr Virendra
Brown, Lyn	Gardiner, Barry	MacNeil, Angus Brendan	Sheerman, Mr Barry
Brown, rh Mr Nicholas	George, Ruth	Madders, Justin	Sheppard, Tommy
Bryant, Chris	Gethins, Stephen	Mahmood, Mr Khalid	Sherriff, Paula
Buck, Ms Karen	Gibson, Patricia	Mahmood, Shabana	Shuker, Mr Gavin
Burden, Richard	Gill, Preet Kaur	Malhotra, Seema	Siddiq, Tulip
Burgon, Richard	Glindon, Mary	Marsden, Gordon	Slaughter, Andy
Butler, Dawn	Godsiff, Mr Roger	Martin, Sandy	Smeeth, Ruth
Byrne, rh Liam	Goodman, Helen	Maskell, Rachael	Smith, Angela
Cable, rh Sir Vince	Grady, Patrick	Matheson, Christian	Smith, Cat
Cadbury, Ruth	Grant, Peter	Mc Nally, John	Smith, Eleanor
Cameron, Dr Lisa	Gray, Neil	McCabe, Steve	Smith, Jeff
Campbell, rh Mr Alan	Green, Kate	McCarthy, Kerry	Smith, Laura
Carden, Dan	Greenwood, Lillian	McDonagh, Siobhain	Smith, Nick
Carmichael, rh Mr Alistair	Greenwood, Margaret	McDonald, Andy	Smith, Owen
Champion, Sarah	Griffith, Nia	McDonald, Stewart Malcolm	Smyth, Karin
Chapman, Douglas	Grogan, John	McDonald, Stuart C.	Snell, Gareth
Chapman, Jenny	Gwynne, Andrew	McDonnell, rh John	Sobel, Alex
Charalambous, Bambos	Haigh, Louise	McFadden, rh Mr Pat	Starmer, rh Keir
Cherry, Joanna	Hamilton, Fabian	McGinn, Conor	Stephens, Chris
Ciwyd, rh Ann	Hardy, Emma	McGovern, Alison	Stevens, Jo
Coaker, Vernon	Harman, rh Ms Harriet	McInnes, Liz	Stone, Jamie
Coffey, Ann	Harris, Carolyn	McKinnell, Catherine	Streeting, Wes
Cooper, Julie	Hayes, Helen	McMahon, Jim	Sweeney, Mr Paul J.
Cooper, Rosie	Hayman, Sue	McMorris, Anna	Swinson, Jo
Cooper, rh Yvette	Healey, rh John	Mearns, Ian	Tami, Mark
Corbyn, rh Jeremy	Hendrick, Mr Mark	Miliband, rh Edward	Thewliss, Alison
Cowan, Ronnie	Hendry, Drew	Monaghan, Carol	Thomas, Gareth
Coyle, Neil	Hepburn, Mr Stephen	Moran, Layla	Thomas-Symonds, Nick
Crawley, Angela	Hermon, Lady	Morden, Jessica	Thornberry, rh Emily
Creagh, Mary	Hill, Mike	Morgan, Stephen	Timms, rh Stephen
Creasy, Stella	Hillier, Meg	Morris, Grahame	Trickett, Jon
Cruddas, Jon	Hobhouse, Wera	Murray, Ian	Turner, Karl
Cryer, John	Hodge, rh Dame Margaret	Nandy, Lisa	Twigg, Stephen
Cummins, Judith	Hodgson, Mrs Sharon	Newlands, Gavin	Twist, Liz
Cunningham, Alex	Hollern, Kate	Norris, Alex	Umunna, Chuka
Cunningham, Mr Jim	Hosie, Stewart	O'Hara, Brendan	Vaz, rh Keith
Davey, rh Sir Edward	Howarth, rh Mr George	O'Mara, Jared	Vaz, Valerie
David, Wayne	Huq, Dr Rupa	Onasanya, Fiona	Walker, Thelma
Davies, Geraint	Hussain, Imran	Onn, Melanie	Watson, Tom
Day, Martyn	Jardine, Christine	Onwurah, Chi	West, Catherine
De Cordova, Marsha	Jarvis, Dan	Osamor, Kate	Western, Matt
De Piero, Gloria	Johnson, Diana	Owen, Albert	Whitehead, Dr Alan
Debbonaire, Thangam	Jones, Darren	Peacock, Stephanie	Whitfield, Martin
Dent Coad, Emma	Jones, Gerald	Pearce, Teresa	Whitford, Dr Philippa
Dhesi, Mr Tanmanjeet Singh	Jones, Graham	Pennycook, Matthew	Williams, Hywel
Docherty-Hughes, Martin	Jones, Sarah	Perkins, Toby	Williams, Dr Paul
Dodds, Anneliese	Jones, Susan Elan	Phillips, Jess	Williamson, Chris
		Phillipson, Bridget	Wilson, Phil

Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Noes:
Vicky Foxcroft and
Nic Dakin

Question accordingly agreed to.
Bill read a Second time.

EUROPEAN UNION (WITHDRAWAL) BILL
(PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the European Union (Withdrawal) Bill:

Committal

(1) The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee

(2) Proceedings in Committee of the whole House shall be completed in eight days.

(3) The proceedings shall be taken on each of those days as shown in the first column of the following Table and in the order so shown.

(4) The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Table	Time for conclusion of proceedings
<i>First day</i>	
New Clauses and new Schedules relating to Clause 1, Clause 1	Four hours from the commencement of proceedings on the Bill on the first day.
New Clauses and new Schedules relating to Clause 6, Clause 6	Eight hours from the commencement of proceedings on the Bill on the first day
<i>Second day</i>	
New Clauses and new Schedules relating to Clause 2, Clause 2, new Clauses and new Schedules relating to Clause 3, Clause 3, new Clauses and new Schedules relating to Clause 4, Clause 4	Eight hours from the commencement of proceedings on the Bill on the second day
<i>Third day</i>	
New Clauses and new Schedules relating to Clause 5 or Schedule 1, Clause 5, Schedule 1	Eight hours from the commencement of proceedings on the Bill on the third day.
<i>Fourth day</i>	
New Clauses and new Schedules relating to Clause 11 or Schedule 3, Clause 11, Schedule 3	Eight hours from the commencement of proceedings on the Bill on the fourth day.
<i>Fifth day</i>	
New Clauses and new Schedules relating to Clause 10 or Schedule 2, Clause 10, Schedule 2	Four hours from the commencement of proceedings on the Bill on the fifth day.

Table

Proceedings	Time for conclusion of proceedings
New Clauses and new Schedules relating to Clause 12 or Schedule 4, Clause 12, Schedule 4	Eight hours from the commencement of proceedings on the Bill on the fifth day
<i>Sixth day</i>	
New Clauses and New Schedules relating to Clause 7, Clause 7	Eight hours from the commencement of proceedings on the Bill on the sixth day.
<i>Seventh day</i>	
New Clauses and new Schedules relating to Clause 9, Clause 9, new Clauses and new Schedules relating to Clause 16 or Schedule 7, Clause 16, Schedule 7, Clause 17	Six hours from the commencement of proceedings on the Bill on the seventh day
New Clauses and new Schedules relating to Clause 8, Clause 8	Eight hours from the commencement of proceedings on the Bill on the seventh day.
<i>Eighth day</i>	
New Clauses and new Schedules relating to Clause 13 or Schedule 5, Clause 13, Schedule 5	Four hours from the commencement of proceedings on the Bill on the eighth day.
New Clauses and new Schedules relating to Clause 14 or Schedule 6, Clause 14, Schedule 6, remaining new Clauses, remaining new Schedules, Clause 15, Schedules 8 and 9, Clauses 18 and 19, remaining proceedings on the Bill	Eight hours from the commencement of proceedings on the Bill on the eighth day.

Proceedings on Consideration and up to and including Third Reading

(5) Any proceedings on Consideration, any proceedings in legislative grand committee and proceedings on Third Reading shall be taken in two days in accordance with the following provisions of this Order.

(6) Any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours before the moment of interruption on the second day.

(7) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

Programming committee

(8) Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

(9) Any other proceedings on the Bill may be programmed.—
(*Stuart Andrew.*)

The House divided: Ayes 318, Noes 301.

Division No. 15]

[12.30 am

AYES

Adams, Nigel	Dockerill, Julia	Heald, rh Sir Oliver	Mills, Nigel
Afolami, Bim	Dodds, rh Nigel	Heapey, James	Milton, rh Anne
Afriyie, Adam	Donaldson, rh Sir Jeffrey M.	Heaton-Harris, Chris	Mitchell, rh Mr Andrew
Aldous, Peter	Donelan, Michelle	Heaton-Jones, Peter	Moore, Damien
Allan, Lucy	Dorries, Ms Nadine	Henderson, Gordon	Mordaunt, Penny
Allen, Heidi	Double, Steve	Herbert, rh Nick	Morgan, rh Nicky
Andrew, Stuart	Dowden, Oliver	Hinds, Damian	Morris, David
Argar, Edward	Doyle-Price, Jackie	Hoare, Simon	Morris, James
Atkins, Victoria	Drax, Richard	Hollingbery, George	Morton, Wendy
Bacon, Mr Richard	Duddridge, James	Hollinrake, Kevin	Mundell, rh David
Badenoch, Mrs Kemi	Duguid, David	Hollobone, Mr Philip	Murray, Mrs Sheryll
Baker, Mr Steve	Duncan, rh Sir Alan	Holloway, Adam	Murrison, Dr Andrew
Baldwin, Harriett	Duncan Smith, rh Mr Iain	Howell, John	Neill, Robert
Barclay, Stephen	Dunne, Mr Philip	Huddleston, Nigel	Newton, Sarah
Baron, Mr John	Ellis, Michael	Hughes, Eddie	Nokes, Caroline
Bebb, Guto	Ellwood, rh Mr Tobias	Hunt, rh Mr Jeremy	Norman, Jesse
Bellingham, Sir Henry	Elphicke, Charlie	Hurd, Mr Nick	O'Brien, Neil
Benyon, rh Richard	Eustice, George	Jack, Mr Alister	Offord, Dr Matthew
Beresford, Sir Paul	Evans, Mr Nigel	James, Margot	Opperman, Guy
Berry, Jake	Evennett, rh David	Javid, rh Sajid	Paisley, Ian
Blackman, Bob	Fabricant, Michael	Jayawardena, Mr Ranil	Parish, Neil
Blunt, Crispin	Fallon, rh Sir Michael	Jenkin, Mr Bernard	Patel, rh Priti
Bone, Mr Peter	Fernandes, Suella	Jenkyns, Andrea	Paterson, rh Mr Owen
Bottomley, Sir Peter	Field, rh Mark	Jenrick, Robert	Pawsey, Mark
Bowie, Andrew	Ford, Vicky	Johnson, rh Boris	Penning, rh Mike
Bradley, Ben	Foster, Kevin	Johnson, Dr Caroline	Penrose, John
Bradley, rh Karen	Fox, rh Dr Liam	Johnson, Gareth	Percy, Andrew
Brady, Mr Graham	Francois, rh Mr Mark	Johnson, Joseph	Perry, Claire
Brereton, Jack	Frazer, Lucy	Jones, Andrew	Philp, Chris
Bridgen, Andrew	Freeman, George	Jones, rh Mr David	Pincher, Christopher
Brine, Steve	Freer, Mike	Jones, Mr Marcus	Poulter, Dr Dan
Brokenshire, rh James	Fysh, Mr Marcus	Kawczynski, Daniel	Pow, Rebecca
Bruce, Fiona	Gale, Sir Roger	Keegan, Gillian	Prentis, Victoria
Buckland, Robert	Garnier, Mark	Kennedy, Seema	Prisk, Mr Mark
Burghart, Alex	Gauke, rh Mr David	Kerr, Stephen	Pritchard, Mark
Burns, Conor	Ghani, Ms Nusrat	Knight, rh Sir Greg	Pursglove, Tom
Burt, rh Alistair	Gibb, rh Nick	Knight, Julian	Quin, Jeremy
Cairns, rh Alun	Gillan, rh Mrs Cheryl	Kwarteng, Kwasi	Quince, Will
Campbell, Mr Gregory	Girvan, Paul	Lamont, John	Raab, Dominic
Cartlidge, James	Glen, John	Lancaster, Mark	Redwood, rh John
Cash, Sir William	Goldsmith, Zac	Latham, Mrs Pauline	Rees-Mogg, Mr Jacob
Caulfield, Maria	Goodwill, Mr Robert	Leadsom, rh Andrea	Robertson, Mr Laurence
Chalk, Alex	Gove, rh Michael	Lee, Dr Phillip	Robinson, Gavin
Chishti, Rehman	Graham, Luke	Lefroy, Jeremy	Robinson, Mary
Chope, Mr Christopher	Graham, Richard	Leigh, Sir Edward	Rosindell, Andrew
Churchill, Jo	Grant, Bill	Letwin, rh Sir Oliver	Ross, Douglas
Clark, Colin	Grant, Mrs Helen	Lewer, Andrew	Rowley, Lee
Clark, rh Greg	Gray, James	Lewis, rh Brandon	Rudd, rh Amber
Clarke, Mr Simon	Grayling, rh Chris	Lewis, rh Dr Julian	Rutley, David
Cleverly, James	Green, Chris	Liddell-Grainger, Mr Ian	Sandbach, Antoinette
Clifton-Brown, Geoffrey	Green, rh Damian	Lidington, rh Mr David	Scully, Paul
Coffey, Dr Thérèse	Greening, rh Justine	Little Pengelly, Emma	Seely, Mr Bob
Collins, Damian	Grieve, rh Mr Dominic	Lopresti, Jack	Selous, Andrew
Costa, Alberto	Gyimah, Mr Sam	Lord, Mr Jonathan	Shannon, Jim
Courts, Robert	Hair, Kirstene	Loughton, Tim	Shapps, rh Grant
Cox, Mr Geoffrey	Halfon, rh Robert	Mackinlay, Craig	Sharma, Alok
Crabb, rh Stephen	Hall, Luke	Macleane, Rachel	Shelbrooke, Alec
Crouch, Tracey	Hammond, rh Mr Philip	Main, Mrs Anne	Simpson, David
Davies, Chris	Hammond, Stephen	Mak, Alan	Simpson, rh Mr Keith
Davies, David T. C.	Hancock, rh Matt	Malthouse, Kit	Skidmore, Chris
Davies, Glyn	Hands, rh Greg	Mann, Scott	Smith, Chloe
Davies, Mims	Harper, rh Mr Mark	Masterton, Paul	Smith, Henry
Davies, Philip	Harrington, Richard	May, rh Mrs Theresa	Smith, Julian
Davis, rh Mr David	Harris, Rebecca	Maynard, Paul	Smith, Royston
Dinenage, Caroline	Harrison, Trudy	McLoughlin, rh Sir Patrick	Soames, rh Sir Nicholas
Djanogly, Mr Jonathan	Hart, Simon	McPartland, Stephen	Soubry, rh Anna
Docherty, Leo	Hayes, rh Mr John	McVey, rh Ms Esther	Spelman, rh Dame Caroline
		Menzies, Mark	Spencer, Mark
		Merriman, Huw	Stephenson, Andrew
		Metcalfe, Stephen	Stevenson, John
		Miller, rh Mrs Maria	Stewart, Bob
		Milling, Amanda	Stewart, Iain

Stewart, Rory
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Mr Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin

Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Ayes:
Andrew Griffiths and
Mrs Heather Wheeler

NOES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Alexander, Heidi
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bailey, Mr Adrian
 Bardell, Hannah
 Barron, rh Sir Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Blackford, Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Byrne, rh Liam
 Cable, rh Sir Vince
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Charalambous, Bambos
 Cherry, Joanna
 Clarke, rh Mr Kenneth

Clwyd, rh Ann
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Davey, rh Sir Edward
 David, Wayne
 Davies, Geraint
 Day, Martyn
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Drew, Dr David
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Fellows, Marion
 Fitzpatrick, Jim
 Fletcher, Colleen

Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 George, Ruth
 Gethins, Stephen
 Gibson, Patricia
 Gill, Preet Kaur
 Giindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham
 Jones, Helen
 Jones, Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lee, Ms Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive

Lewis, Mr Ivan
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 O'Mara, Jared
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie

Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes

Sweeney, Mr Paul J.
 Swinson, Jo
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Noes:
Nic Dakin and
Vicky Foxcroft

Question accordingly agreed to.

EUROPEAN UNION (WITHDRAWAL) BILL (MONEY)

Queen's recommendation signified.

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the European Union (Withdrawal) Bill, it is expedient to authorise:

- (1) the payment out of money provided by Parliament of—
 - (a) any expenditure incurred by a Minister of the Crown, government department or other public authority by virtue of the Act; and
 - (b) any increase attributable to the Act in the sums payable by virtue of any other Act out of money so provided;

(2) any charge on the Consolidated Fund or the National Loans Fund, or any other charge on the public revenue, arising by virtue of the Act.—(*Stuart Andrew.*)

Question agreed to.

EUROPEAN UNION (WITHDRAWAL) BILL (WAYS AND MEANS)

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the European Union (Withdrawal) Bill, it is expedient to authorise:

- (1) any taxation—
 - (a) to prevent or remedy any breach, arising from the withdrawal of the United Kingdom from the EU, of the international obligations of the United Kingdom; or
 - (b) otherwise arising by virtue of the Act;

(2) any fees or charges, or any other charge on the people, arising by virtue of the Act;

(3) the payment of sums into the Consolidated Fund or the National Loans Fund.—(*Stuart Andrew.*)

Question agreed to.

Business without Debate

SELECT COMMITTEES (NOMINATION)

Ordered,

That at the sitting on Monday 11 September, notwithstanding the practice of the House, the provisions of Standing Order No. 121(2) (Nomination of select committees) shall not apply in respect of the Motions in the name of Andrea Leadsom relating to the nomination of Members to the following select committees:

Backbench Business
 Business, Energy and Industrial Strategy
 Communities and Local Government
 Culture, Media and Sport
 Defence
 Education
 Environment, Food and Rural Affairs
 Exiting the European Union
 Foreign Affairs
 Health
 Home Affairs
 International Development
 International Trade
 Justice
 Northern Ireland Affairs
 Science and Technology
 Scottish Affairs
 Transport
 Treasury
 Welsh Affairs
 Women and Equalities
 Work and Pensions
 Environmental Audit
 Petitions
 Procedure
 Public Accounts
 Public Administration and Constitutional Affairs.—(*Stuart Andrew.*)

COMMITTEES

Mr Speaker: We now come to the 27 motions on nominations to the Select Committees. With the leave of the House, we will take motions 6 to 32 together.

Ordered,

BACKBENCH BUSINESS

That Bob Blackman, Rehman Chishti, Patricia Gibson, Jess Phillips, Alex Sobel and Mr William Wragg be members of the Backbench Business Committee.

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

That Drew Hendry, Stephen Kerr, Peter Kyle, Mr Ian Liddell-Grainger, Rachel Maclean, Albert Owen, Mark Pawsey, Antoinette Sandbach and Anna Turley be members of the Business, Energy and Industrial Strategy Committee.

COMMUNITIES AND LOCAL GOVERNMENT

That Mike Amesbury, Bob Blackman, Helen Hayes, Kevin Hollinrake, Fiona Onasanya, Andrew Lewer, Mr Mark Prisk, Mary Robinson and Liz Twist be members of the Communities and Local Government Committee.

CULTURE, MEDIA AND SPORT

That Julie Elliott, Paul Farrelly, Simon Hart, Julian Knight, Ian C. Lucas, Christian Matheson, Brendan O'Hara, Rebecca Pow, Jo Stevens and Giles Watling be members of the Culture, Media and Sport Committee.

DEFENCE

That Leo Docherty, Martin Docherty-Hughes, Mr Mark Francois, Graham P. Jones, Johnny Mercer, Mrs Madeleine Moon, Gavin Robinson, Ruth Smeeth, John Spellar and Phil Wilson be members of the Defence Committee.

EDUCATION

That Lucy Allan, Michele Donelan, Marion Fellows, James Frith, Emma Hardy, Trudy Harrison, Ian Mearns, Lucy Powell, Thelma Walker and Mr William Wragg be members of the Education Committee.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

That Alan Brown, John Grogan, Paul Flynn, Dr Caroline Johnson, Sandy Martin, Mrs Sheryll Murray, David Simpson, Angela Smith and Julian Sturdy be members of the Environment, Food and Rural Affairs Committee.

EXITING THE EUROPEAN UNION

That Mr Peter Bone, Joanna Cherry, Mr Christopher Chope, Stephen Crabb, Mr Jonathan Djanogly, Richard Graham, Peter Grant, Wera Hobhouse, Stephen Kinnock, Seema Malhotra, Andrea Jenkyns, Jeremy Lefroy, Mr Pat McFadden, Craig Mackinlay, Mr Jacob Rees-Mogg, Emma Reynolds, Stephen Timms, Mr John Whittingdale, Hywel Williams and Sammy Wilson be members of the Exiting the European Union Committee.

FOREIGN AFFAIRS

That Ian Austin, Chris Bryant, Ann Clwyd, Mike Gapes, Stephen Gethins, Ms Nusrat Ghani, Ian Murray, Andrew Rosindell, Royston Smith and Nadhim Zahawi be members of the Foreign Affairs Committee.

HEALTH

That Luciana Berger, Mr Ben Bradshaw, Dr Lisa Cameron, Rosie Cooper, Dr Caroline Johnson, Diana Johnson, Johnny Mercer, Andrew Selous, Maggie Throup and Dr Paul Williams be members of the Health Committee.

HOME AFFAIRS

That Mr Christopher Chope, Stephen Doughty, Preet Gill, Sarah Jones, Tim Loughton, Stuart C. McDonald, Esther McVey, Will Quince, and Naz Shah be members of the Home Affairs Committee.

INTERNATIONAL DEVELOPMENT

That Richard Burden, James Duddridge, Mr Nigel Evans, Ms Pauline Latham, Chris Law, Mr Ivan Lewis, Lloyd Russell-Moyle, Paul Scully, Mr Virendra Sharma and Henry Smith be members of the International Development Committee.

INTERNATIONAL TRADE

That Julia Dockerill, Mr Nigel Evans, Mr Marcus Fysh, Mr Ranil Jayawardena, Mr Chris Leslie, Emma Little Pengelly, Faisal Rashid, Keith Vaz, Catherine West and Matt Western be members of the International Trade Committee.

JUSTICE

That Mrs Kemi Badenoch, Ruth Cadbury, Alex Chalk, Bambos Charalambous, David Hanson, John Howell, Gavin Newlands, Laura Pidcock, Victoria Prentis and Ellie Reeves be members of the Justice Committee.

NORTHERN IRELAND AFFAIRS

That Mr Gregory Campbell, Maria Caulfield, Mr Stephen Hepburn, Lady Hermon, Kate Hoey, Jack Lopresti, Conor McGinn, Nigel Mills, Ian Paisley and Jim Shannon be members of the Northern Ireland Affairs Committee.

SCIENCE AND TECHNOLOGY

That Bill Grant, Darren Jones, Clive Lewis, Stephen Metcalfe, Neil O'Brien, Graham Stringer and Martin Whitfield be members of the Science and Technology Committee.

SCOTTISH AFFAIRS

That Deidre Brock, David Duguid, Hugh Gaffney, Christine Jardine, Gerald Killen, John Lamont, Paul Masterton, Danielle Rowley, Tommy Sheppard and Ross Thomson be members of the Scottish Affairs Committee.

TRANSPORT

That Ronnie Cowan, Steve Double, Paul Girvan, Huw Merriman, Luke Pollard, Laura Smith, Iain Stewart, Graham Stringer, Martin Vickers and Daniel Zeichner be members of the Transport Committee.

TREASURY

That Rushanara Ali, Charlie Elphicke, Stephen Hammond, Stewart Hosie, Mr Alister Jack, Kit Malthouse, Alison McGovern, Catherine McKinnell, John Mann and Wes Streeting be members of the Treasury Committee.

WELSH AFFAIRS

That Chris Davies, Geraint Davies, Glyn Davies, Paul Flynn and Ben Lake be members of the Welsh Affairs Committee.

WOMEN AND EQUALITIES

That Angela Crawley, Philip Davies, Rosie Duffield, Kirstene Hair, Jared O'Mara, Jess Phillips, Mr Gavin Shaker and Tulip Siddiq be members of the Women and Equalities Committee.

WORK AND PENSIONS

That Heidi Allen, Alex Burghart, Marsha De Cordova, Neil Coyle, Ruth George, Steve McCabe and Chris Stephens be members of the Work and Pensions Committee.

ENVIRONMENTAL AUDIT

That Dr Therese Coffey, Geraint Davies, Zac Goldsmith, Caroline Lucas, Kerry McCarthy, Anna McMorrin, John McNally, Dr Matthew Offord, Dr Dan Poulter, Joan Ryan and Alex Sobel be members of the Environmental Audit Committee.

PETITIONS

That Rehman Chishti, Martyn Day, Michelle Donelan, Steve Double, Mike Hill, Susan Elan Jones, Catherine McKinnell, Paul Scully and Liz Twist be members of the Petitions Committee.

PROCEDURE

That Bob Blackman, Mr Peter Bone, Mr Christopher Chope, Ronnie Cowan, Nic Dakin, Chris Elmore, Helen Goodman, Mr Ranil Jayawardena, David Linden, Melanie Onn and Mr William Wragg be members of the Procedure Committee.

PUBLIC ACCOUNTS

That Bim Afolami, Heidi Allen, Geoffrey Clifton-Brown, Martyn Day, Chris Evans, Caroline Flint, Luke Graham, Andrew Jones, Gillian Keegan, Shabana Mahmood, Nigel Mills, Layla Moran, Bridget Phillipson and Gareth Snell be members of the Committee of Public Accounts.

PUBLIC ADMINISTRATION AND CONSTITUTIONAL
AFFAIRS

That Ronnie Cowan, Paul Flynn, Mr Marcus Fysh, Mrs Cheryl Gillan, Kelvin Hopkins, Dr Rupa Huq, Mr David Jones, Sandy Martin and David Morris be members of the Public Administration and Constitutional Affairs Committee.—(*Stuart Andrew.*)

PETITIONS

Changes to the Number 23 bus route, Erewash

12.48 am

Maggie Throup (Erewash) (Con) *rose*—[*Interruption.*]

Mr Speaker: Order. Colleagues will want courteously to attend to the words of Maggie Throup in respect of her petition and will not be diverted into superfluous and distracting conversations which jar somewhat and might be thought by the hon. Lady to be a tad discourteous, so I am sure that Members will toddle out of the Chamber quickly and quietly. Mr Yasin, there is no need, my dear chap, to look bemused—it will all become clear ere long. It is very good of you, Lady Hermon, to wave goodbye to us all as you depart the Chamber—very thoughtful.

Maggie Throup: I rise on behalf of residents in my constituency, and in particular those living in Cotmanhay and Kirk Hallam, who have been adversely affected by recent changes to the No. 23 bus route operated by trentbarton. The petition has been signed by nearly 300 local residents, and I am delighted to present it to the House this evening for consideration.

The petition declares:

The petition of residents of Erewash,

Declares that the number 23 bus route operated by Trent Motor Traction Company Ltd and Barton Buses Ltd (known as trentbarton), and which currently serves the community of Cotmanhay

including Church Street and Nelson Street, acts as a vital lifeline for many local residents as their only way of accessing Ilkeston town centre and Ilkeston Community Hospital; further the proposed amalgamation of the number 21 and 23 bus routes will mean that residents living on and around Church Street and Nelson Street will be negatively impacted as they will have to walk a considerable distance to Cotmanhay Road in order to access an alternative bus service; further the residents will no longer have access to a bus service that calls at Ilkeston Community Hospital; and further that these new arrangements will also negatively impact the residents of Kirk Hallam.

The petitioners therefore request that the House of Commons urge the Chief Executive of trentbarton to reconsider the proposed changes and to reinstate the original number 23 bus route.

And the petitioners remain, etc.

[P002053]

Warwick Road, Carlisle

12.50 am

John Stevenson (Carlisle) (Con): I would like to present a petition on behalf of the residents of Warwick Road, Carlisle. Only a few houses are directly affected, but more than 5,000 people have supported the petition on behalf of the residents at the top end of Warwick Road.

The petition states:

The petition of residents of Warwick Road, Carlisle,

Declares that they are against proposals from Cumbria County Council to construct a third lane along a section of Warwick Road, Carlisle.

The petitioners therefore request that the House of Commons urges Cumbria County Council to withdraw proposals to construct a third lane along a section of Warwick Road, Carlisle, as it will provide none of the stated benefits to the city and cause an unacceptable negative impact on the quality of life of Warwick Road residents.

And the petitioners remain, etc.

[P002054]

School Funding: North Northumberland

Motion made, and Question proposed, That this House do now adjourn.—(*Craig Whittaker.*)

12.51 am

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I thank you, Mr Speaker, and especially so this evening as we find ourselves the last ones standing after a lengthy evening of voting on the important European Union (Withdrawal) Bill.

Northumberland voted to leave the EU, as I did, and as we progress the people's call, I want to make sure that the children currently coming through the schools in my constituency, and those who will follow, are well prepared academically to take up all the opportunities that the United Kingdom, as a sovereign state once again, will afford them. The reality, however, is that at present north Northumberland's children are being short-changed on account of years of being right at the bottom of the list in funding formula allocations, exacerbated by, until May of this year, a Labour council that skewed the education grant in favour of the urban-based children in the south-east of the county, to the relative detriment of children in the rural areas of north Northumberland and the market towns of Alnwick, Amble and Berwick.

To help change those children's destiny, we need to change how we frame the education package across the county. We need to rethink radically how we sustain an effective transport network to get every child to school each day. The House should bear in mind that the catchment area for Glendale valley schools, for instance, is some 250 square miles, so continuing to pay bus companies large sums of money to provide limited services, and charging post-16 students' families more than £600 per year per pupil for transport passes, is simply unsustainable. It often feels to me that we have cartels operating to ensure that bus companies providing services bid up the costs as a way to underwrite other service provision. That cannot be the way to maximise the effective use of education budgets. Surely this is money that could be spent on frontline teaching, education resources and tools to give our children the very best chance in life, which is what a country such as the United Kingdom should be affording them wherever they live.

The new Conservative leadership at Northumberland County Council is determined to change radically how we provide transport for our kids, but we need the Department's assistance. The present arrangements with bus companies do not provide value for money to the taxpayer. My councillors want to lead the way in providing innovative solutions on rural transport, including for school pupils, that can provide better and bolder solutions to the problems we face. In Alnwick we have an excellent social enterprise, NEED—North East Equality & Diversity—which provides accessible transport solutions to individuals and organisations. My councillors want to find ways to use this social enterprise model to create appropriate bus size provision across my most rural communities.

To that end, I would like to encourage a new system that will empower schools themselves to no longer have to rely on the big bus companies with a very limited offer, but to create a community transport solution, perhaps something like the yellow bus model we see in

the United States. I call on the Minister, therefore, to pump-prime a Northumberland project that puts education and transport needs at its heart. I ask him to sit down with me, councillors and the relevant Transport Minister to help design a community transport hub that can flex to the needs of the most rurally based children and others in communities currently cut off from so much by the lack of public transport.

Jim Shannon (Strangford) (DUP): I sought the hon. Lady's permission to intervene because I wanted to support her comments. As she will recognise, Northern Ireland had some of its best examination results for a great many years—they were the envy of many parts of the United Kingdom of Great Britain and Northern Ireland. Should the Minister not contact the Northern Ireland Assembly and the Education Department to see how that educational success was delivered within the limits of the available school funding?

Mrs Trevelyan: Indeed, we will look into that, and perhaps my hon. Friend will help us make progress.

I hope that the Minister will commit to driving forward—excuse the pun—this rural transport hub project by seeking grant funding to help pump-prime it. We can be so much smarter with the money we have if we do not have to spend it on a double-decker, one-size-fits-all offer. The current provision cannot solve the complex issues in our rural communities, and off-the-shelf approaches do not reflect the realities and problems facing my sparsely populated communities. The project would be an opportunity to show the art of common sense in action both for our school children and for others needing rural transport solutions, and also—I speak always as an accountant—for the taxpayer.

Secondly, I bring to the Minister another radical proposal to improve the educational and future life chances of Northumbrian children. I like to call it “academy plus”. He might recall that back in 2011, when I was a governor of Berwick High School, in the northernmost point of a county of more than 2,000 square miles, we decided that following years of neglect by Labour-run county hall, we should take advantage of the academies offer being driven forward by the new Conservative-led Government. And so we duly did. We had to do so, however, without a sponsor, because none of the world-class universities of the north-east would commit to becoming one—Berwick Academy seemed too remote; it was not big enough, having a school roll of only 800 pupils; it was too difficult to engage with the pupils because of the distance from Tyneside or Durham. It was depressing that we could not get them to take a strong lead and help us to build aspirations.

The county now has several academies, but it has continued to be an enormous challenge to find academy sponsors, or more recently academy chains, to take on those schools. There are a number of reasons for that, but key to the challenge is perhaps that it has proved difficult to make Northumberland a first-choice destination for teachers, given that they also have the option of Newcastle schools or of going over the border to Scottish schools. A primary school in town with a roll of 300 pupils will afford more personal development and career options than a—wonderful, in my opinion—tiny rural school of 50.

How might we find a radical way to provide an excellent education for our rural Northumbrian pupils now and for the long term? How can we create a dynamic offer for teachers to come to Northumberland? Now is the time for bold, challenging thinking. It is the very least our young people deserve. Is the Minister minded to consider how our Conservative council could become the lead partner in building an educational framework similar to that of a traditional academy trust? At the moment, all but four of our county's academies are failing to give our children the very best. Those good or outstanding schools are the Duchess's High School in Alnwick, King Edward VI in Morpeth, Queen Elizabeth in Hexham and Cramlington Learning Village, which until recently was in special measures but is now making great progress. All the others, however, are in the "requiring improvement" category, and the overriding message from Ofsted is repeatedly that the challenges facing the leadership of each school are made more difficult because each teaching group is working in isolation. It means that no one is winning for our children's future. Our primary, middle and secondary schools across the county will all need more support if they are to climb from their present situation to outstanding reports.

I am proposing a plan to develop in Northumberland a pilot programme for recruitment that can provide support and the right tools to generate educational leaders who can work together under a coherent and cohesive educational outcome framework. I would like to see our schools commissioner on board with this new plan, alongside Northumberland County Council, drawing in the best from university education leaders in the north-east and business leaders on our local enterprise partnership to create an umbrella of educational direction and drive results for all our schools.

I want to see our schools maintain their own heads and governing bodies. That would not be about forcing federations on different communities. What we need is an educational framework that overarches all of them so that, for instance, school readiness is tackled across the patch and parents cannot play schools off against each other. All our kids would be part of one Northumberland partnership, which would create an umbrella framework of higher achievement in all schools. We need to drive standards forward to meet the needs of our children's future career choices. So this is my second request to the Minister: I ask him to find radical solutions to the unique challenge of providing the very best educational outcomes for Northumberland's children, and to work with our schools commissioner and my passionate new Conservative county councillors to create the new partnership framework. We think of it as "academisation plus".

There will be a need for some initial investment to make that happen—my county council will need to set up a back-office management support system, with a few co-ordinators and an educational lead—but for a small investment, long-term positive outcomes for the unique nature of Northumberland education can be driven forward. There can surely be few more positive and beneficial expenditures of taxpayers' money than expenditure on the future workforce and leaders of our country. Our children deserve to be able to fulfil their dreams. They deserve to have an education that creates possibilities and opens doors, and—regardless of location,

class or means—to be equipped with an education that can stand the test of any challenge presented by the world in which they will grow up.

Jim Shannon: I have been listening intently to what the hon. Lady has been saying. In my constituency and that of my hon. Friend the Member for North Down (Lady Hermon), there has been collaboration between schools at a certain level of higher education, from the sixth form onwards. Because not every school can deliver certain subjects individually, half a dozen schools have come together. One example is Glastry College, of whose board of governors I am a member; Strangford Integrated College is another. St Columba's College in Portaferry, a Catholic-controlled maintained school, has joined Bangor Grammar School, Bangor Academy and Sixth Form College and Movilla High School. All those schools are working together for the betterment of the children involved.

Mrs Trevelyan: That is exactly the sort of vision that we hope to have in Northumberland. Given the enormous expanse of territory, the challenge for our children is the need to spend hours travelling in order to achieve the flexibility and the breadth of education to which those living in a city, or even in a less sparsely populated county, might have easier access.

If children are indeed to fulfil their dreams, we will need departmental leadership from the Minister to help Northumberland County Council host the new concept. I understand that education action zones used to exist, and I also understand that £77 million has recently been allocated to education output areas, but that will be directed towards the development of education in cities. Northumberland, our most sparsely populated English county, needs such investment too.

I have always been a believer in nudge politics. We humans always respond better to encouragement and carrots than to chastisement and sticks. However, if long-term outcomes for the children of Northumberland are to be as good as they can be, we need university voices to be heard in rural communities where aspiration to a top-quality education, whether it involves apprenticeships in engineering or university studies in the sciences—I speak as a mathematician, and I apologise for the bias—are still not always understood or valued. What is considered elitist and far beyond can become within reach: indeed, education for life can become a passion for all those children. The 21st century, in which they will live, demands that we accept our responsibility to give them the tools and the passion to learn, as well as all the standard basic skills. That should be taken more seriously than it has been in the most northern county of England for too long.

I want to see an educational leadership framework that gives each and every one of my schools the nudge that they need to rise to the educational challenges ahead by supporting them with a coherent educational framework of which everyone is a part. There would be no rivalries, no catchment area battles, no school partnership lines in the sand, but an overarching educational Northumberland nudge partnership. As the Minister himself said in a speech last week,

"a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever does."

[Mrs Trevelyan]

The teachers and councillors of my beautiful, unique and most sparsely populated of English counties wish to do exactly that for the children in their care.

Mr Deputy Speaker (Mr Lindsay Hoyle): Let us give a nudge to the Minister.

1.4 am

The Minister for School Standards (Nick Gibb): I congratulate my hon. Friend the Member for Berwick-upon-Tweed (Mrs Trevelyan) on securing this important debate. I know she cares passionately about education in general and the schools in her constituency in particular, so it is a pleasure to be discussing these issues with her this morning—as I realise it now is.

This Government want to ensure that all children, regardless of where they live, receive a world-class education. Over the past seven years, we have made significant progress. There are now 1.8 million more children in schools that are rated as good or outstanding than in 2010, and the attainment gap is beginning to close. Since 2011, the attainment gap at secondary school has closed by 7%, and at primary school the gap has closed by 9.3% over the same period. This is important progress, but there is more to do to ensure that every child receives the education they deserve to fulfil their potential.

Thanks to a curriculum that ensures that all children are taught the core knowledge they need to be successful, the promotion of the evidence-based teaching practices such as Asian-style maths mastery and synthetic, systematic phonics, and the hard work of hundreds of thousands of teachers, standards across England are on the rise. According to the latest international figures, secondary pupils in England outperform pupils in the other nations of the United Kingdom. However, despite nearly nine in 10 schools being rated as good or outstanding by Ofsted, there are still more than 1 million pupils attending schools that are not yet good enough. While much has been achieved over the past seven years, there is a lot more to do.

One of the obstacles to providing a good school place for every child is the current anachronistic and unfair funding system, which sees different schools in different parts of the country receiving very different sums of money for pupils with similar characteristics. The data used to allocate funding to local authorities are over a decade out of date. Over that period, for example, the free school meals rate has fallen by around a third in Blackburn and has more than doubled in Lincolnshire, but the funding each local authority receives has not responded to these changes. That is why this Government are determined to reform the funding system, and we are well on the way to making that a reality.

In March 2016, we launched our first stage of consultation on a national funding formula. We asked for views on the principles that should underpin it and its overall design. Subsequently, in December last year we launched the second stage of our consultation, on the detailed design of the formula. As part of the second stage, to ensure maximum transparency we published detailed illustrative impact data for all schools and local authorities. This enabled us to hold a truly national debate during the three-month consultation.

Under those proposals, schools in Northumberland would have gained 1.2% more funding on average, and schools in my hon. Friend's constituency would have gained 2.2% on average. Since publishing those proposals, we have been able to identify additional funding for all schools.

Throughout the consultation period on the national funding formula, the Secretary of State and I met headteachers, governors and many hon. Members from across the House, and I want to thank all those who contributed to the more than 25,000 consultation responses we received. Informed by that feedback, we will introduce a national funding formula from April 2018, as planned. This will put an end to the unfair postcode lottery system by ensuring that all schools in England are funded on a consistent and transparent basis.

I agree with my hon. Friend, however, that funding, while important, is only part of the issue, and what also matters is how local solutions are created and drive improvement in pupil outcomes; my hon. Friend has raised a number of important points regarding school transport, academy sponsorship, and teacher recruitment and career development.

On school transport, local authorities have responsibility for the provision of home to school transport. In consultation with schools, they are best placed to determine the specific needs of a particular local community. They already commission a range of free and subsidised transport services, spending around £1 billion each year on home to school transport. The existing home to school transport framework allows local authorities the flexibility and freedom to make transport arrangements which best suit the needs of pupils and offer value for money for their local communities.

Lady Hermon (North Down) (Ind): I am curious to know whether, when we have the examples of sparsely populated areas in Northern Ireland, Wales and the highlands and islands in Scotland, lessons could be learned for England, especially Northumbria, as the most sparsely populated county in England—I have learned something this evening and it was worth waiting for. Can we learn from examples around the United Kingdom that might help the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan) in her quest to give a nudge to the education authorities in her area?

Nick Gibb: I am sure we can learn from the other constituent parts of the United Kingdom, as we learn from other countries around the world, on school transport and on how the funding system works, and on the curriculum and other issues. In our new national funding formula, we include an important element of sparsity as a key component. That will be reflected in the way that the schools in Berwick and Northumberland are funded—although not of course in other parts of the United Kingdom, as I am responsible with the Secretary of State only for school funding in England.

I accept that rural areas have their own challenges. In recognition of the extra costs that providing services in sparse rural areas can require, the Government have increased the rural services delivery grant to the most sparsely populated areas from £15.5 million in 2015-16 to £80.5 million in 2016-17. The Department for Transport is also supporting pilots in local rural authorities to determine how integrated transport services can offer value for money.

We keep the school transport framework under review. We have looked at different approaches to providing a national home to school transport framework and we have found that those do not offer better value than the current system, but that is not to say that local approaches will not do so. I encourage all local authorities to keep their transport arrangements under review and to identify ways in which they can improve the services they offer.

The Secretary of State has recently undertaken to review our guidance on home to school transport and I will ensure that this correctly reflects the flexibilities that local authorities have in providing it. I would be interested to hear more about Northumberland County Council's proposals so that we can consider them in more detail.

On academy sponsorship in Northumberland, I understand my hon. Friend's argument about the historical lack of sponsor and multi-academy trust capacity in the wider local authority, though I should point out that 13 academies in Northumberland are rated by Ofsted as good or outstanding. It is important to support and encourage local authorities to respond to their own challenges and opportunities, and local partners should work together in the best interests of their schools and pupils.

We must, however, ensure that schools that have become academies are able to enjoy the freedoms afforded by academy status. As such, there are constraints in place that prevent local authorities from establishing multi-academy trusts which mean that no more than 19.9% of trustees or members of an academy trust can be associated with the local authority, including serving councillors.

We are, however, making progress in developing local solutions and using the expertise of established trusts from neighbouring local authorities. The 13 academies I mentioned that are rated good or outstanding should also form the basis of new sponsors of multi-academy trusts in the future. In neighbouring authorities, for example, the Three Rivers Learning Trust—whose lead school is the King Edward VI Academy, rated outstanding by Ofsted—has recently been approved to sponsor underperforming schools. Although currently based in and around Morpeth, the regional schools commissioner's team is working with the trust to provide further support in wider Northumberland.

Multi-academy trusts from other local authorities are also moving into Northumberland to provide support, including the North East Learning Trust and WISE Academies—two high-performing trusts with good track records in delivering school improvement. Janet Renou, the regional schools commissioner for her area, is fully committed to working with the county council and has

already had a productive meeting with Wayne Daley, the new lead member for education, and his team. She is keen to work together to develop joint strategies to increase attainment and capacity across the county.

Lastly, my hon. Friend the Member for Berwick-upon-Tweed rightly acknowledged that teachers are fundamental to the education system. The quality of teaching is widely recognised as being the biggest in-school factor affecting the outcomes of children and young people. The effects of high-quality teaching are especially significant for pupils from disadvantaged backgrounds, which is why we need to ensure that we continue to invest in the quality of teaching and in the support and development that teachers get throughout their careers. The Secretary of State announced earlier this year that we would be exploring options to strengthen the qualified teacher status to establish a stronger sense of career progression for all teachers, including those at the beginning of their career and more experienced teachers seeking to excel in the classroom or to go into leadership. We intend to consult on those proposals later in the year, and I hope that my hon. Friend and the teachers and school leaders in her constituency will feel able to contribute to that consultation process. However, we recognise that there is more to do to support schools to attract and retain top graduates, and we are taking steps to understand and address school-level variation in teacher supply. Over the past six months, we have been working with schools, multi-academy trusts and local authorities to understand why some schools are facing more significant supply challenges and, crucially, to design and develop solutions to those challenges.

In conclusion, the Government's record on education over the past seven years is a cause for pride. Last year, 147,000 more six-year-olds were on track to become fluent readers than in 2012 thanks to the introduction of systematic synthetic phonics. However we cut the numbers, England outperformed the rest of the UK in the OECD's most recent PISA science assessments. The proportion of pupils studying the EBacc core of academic subjects at GCSE has risen from one fifth in 2010 to two fifths last year. The attainment gap between disadvantaged pupils and their more affluent peers is shrinking at both key stage 2 and key stage 4. But we have more to do. We must spread opportunity and excellence to all corners of the country, so that every child—whatever their background and wherever they are from—receives the education that takes them as far as their talents will allow.

Question put and agreed to.

1.16 am

House adjourned.

Written Statement

Monday 11 September 2017

FOREIGN AND COMMONWEALTH OFFICE

Government Hospitality Wine Cellar: Annual Report

The Minister for Europe and the Americas (Sir Alan Duncan): I have today placed a copy of the Government Hospitality Wine Cellar Annual Report for the Financial Year 2016-17 in the Libraries of both Houses.

Following the outcome of the review of the Government Hospitality Wine Cellar in 2011, this sixth annual report or statement continues our commitment to annual reports to Parliament on the use of the Wine Cellar, covering

consumption, stock purchases, costs, and value for money. The Wine Cellar has been self-funding since 2011-12, through the sale of some high-value stock and payments made by other Government Departments for events organised by Government hospitality.

The report notes that:

Consumption by volume fell by 12% in FY 2016-17 due to fewer Government events, particularly during the EU referendum period.

Sales of stock amounted to £40,800 (cf. £40,390 in FY 15-16);

Further funds from other Government Departments added £16,234 to the overall receipts (cf. £15,848 in 15-16);

Purchases amounted to £45,042, an increase of 12% by value cf. £40,177 in 15-16;

The highest volume of purchases was of English wines at 49% of the total;

The highest consumption level by volume was again of English and Welsh wine, at 52% of the total (cf. 44% in 15-16).

[HCWS122]

Petition

Monday 11 September 2017

OBSERVATIONS

EDUCATION

Children with Special Educational Needs

The petition of Alan and Karen Entwistle,

Declares that the petitioners are the parents of a son who is visually impaired and has learning difficulties because of prematurity and has been diagnosed as autistic by Great Ormond Street hospital; further declares that the petitioners have had difficulties getting the local education authority (Lancashire) to work with them and recognise that they as parents have a uniquely good understanding of the needs of their son; declares that the continual legal disputes with the local authority have now cost the family over 80,000 and depleted all their savings; further declares that the local authority decided to prosecute the family (on the anniversary of their eldest son's death) for not sending their son to a school that they believed would be harmful to him; further declares that they were unable to fund legal advice to defend themselves, but did manage to get pro bono support as a consequence of this were found that they had no case to answer.

The petitioners therefore request the House of Commons Education Select Committee investigate the use of legislation relating to absence from school by local authorities to punish parents who disagree with the local authority as to what is best for their children and to propose changes in legislation so that local authorities are required to work with parents rather than simply use the criminal law to impose their will on families.

And the petitioners remain, etc.—[Presented by Julie Cooper, Official Report, 11 July 2017; Vol. 627, c. 2P.]

[P002044]

Observations from the Minister of State, Department for Education (Mr Robert Goodwill):

The Department's priority is to reduce overall school absence. The evidence shows that every extra day of school missed can affect a pupil's chances of achieving good GCSEs, which has a lasting effect on their life chances. Local authorities have clear powers to tackle poor attendance, including prosecution where this is considered appropriate. This is underpinned by section 7 of the Education Act 1996, which outlines the parent's duty to ensure that their child of compulsory school age receives an efficient full-time education suitable to the child's age, ability and aptitude, and to any special educational needs the child may have, either by regular attendance at school or by education otherwise.

The Department agrees that parents must be involved in decisions made about their child's needs and suitable education; as such legislation and statutory guidance exists to govern how local authorities should approach their duties to provide support for children and young people with special educational needs and disabilities (SEND) and to provide ways for parents and local authorities to resolve disagreements about that support.

Local authorities are required under statutory guidance in the SEND Code Of Practice to work closely with parents during Education Health Care (EHC) needs

assessments and plan development. They must listen to the views, wishes and feelings of the child (or young person) and their parents; and take into account their aspirations, the outcomes they wish to seek and the support they need to achieve them.

Parents may choose to home educate their child and this can include children with an EHC plan; but in these cases as with all children, the local authority must assure itself that the provision being made by the parent is suitable. Where the child has an EHC plan, the local authority must review the EHC plan annually to assure itself that the provision set out in it continues to be appropriate and that the child's special educational needs continue to be met.

Where parents disagree with the local authority about the best provision for their child, legislation and statutory guidance requires local authorities to provide disagreement resolution and mediation services to parents and to promote these as a way of resolving disputes without recourse to legal remedies. Before appealing to the Tribunal parents must consider using mediation as a means of resolving disagreements with the local authority (except where the only disagreement is about the school named in an EHC plan—in these cases it is not compulsory to consider mediation).

If it is not possible to resolve disagreements through mediation, then parents may appeal to the First-tier Tribunal (Special Educational Needs and Disability). The Tribunal aims to be facilitative and accessible, so it should not be necessary to employ legal support when making or defending an appeal. No additional weight is given to evidence because it is presented by a lawyer, and many parents pursue their case successfully without legal representation.

Where, despite the involvement of mediation and disagreement resolution services and the Tribunal, parents and the local authority are still not in agreement about special educational provision for a child, and this results in the child not attending school, the authority must make arrangements where for any reason, a child of a compulsory school age would not otherwise receive suitable education. In these rare cases, a local authority may decide that a School Attendance Order (SAO) is necessary to ensure that the child is not disadvantaged by missing valuable time at school.

In particular, if the Tribunal has ordered the naming of a particular school and the parents refuse to send their child to that school, the local authority may consider that in issuing a SAO it is making sure that the Tribunal order is enforced (the Tribunal itself has no powers of enforcement). A SAO may also be served if a parent, having chosen to home educate their child, fails to satisfy the local authority that their child is receiving suitable education. A SAO should only be served after all reasonable steps have been taken to try to resolve the situation. The SAO will name a school where the parent must register their child to receive education. Where a child has an EHC plan that names a school, that school shall be named in the SAO.

Where a parent fails to comply with a SAO, they may be committing an offence and can be prosecuted under section 443 of the Education Act 1996. When deciding whether to prosecute a parent for failing to comply with a SAO, the local authority must also consider whether it is appropriate to seek an Education Supervision Order

(ESO) under section 447 of the Education Act 1996. The local authority may seek an ESO instead of or as well as prosecuting the parent.

In carrying out its statutory duties under the Children and Families Act 2014 and the related SEND Regulations and SEND Code of Practice, a local authority is expected to act reasonably. If parents consider that a local authority has acted unreasonably in carrying out its duties, they can complain to the Local Government Ombudsman (LGO). If the LGO finds in favour of the parents, it can make recommendations as to how the local authority might put matters right. In the vast majority of cases, local authorities accept and implement recommendations from the LGO. The LGO can look only at the manner in which a local authority has carried out its duties, not the merits of decisions that have been properly taken.

If, having complained to the LGO, parents feel that issues have not been resolved, they can complain to the Secretary of State under Sections 496 and 497 of the

Education Act 1996. These provisions enable the Secretary of State to take expedient action where a local authority (or the governing body of a school) has failed to carry out a statutory duty or has done so unreasonably. "Unreasonably" has been defined by the courts as acting in a way that no other local authority, having regard to its statutory duties, would act. Any action that the Secretary of State takes must be expedient in the sense that there must be something the local authority (or governing body) could be directed to do that would put matters right.

The reforms in the Children and Families Act 2014 were the biggest change to the SEND system in a generation. The Department have been monitoring the implementation of these reforms through termly implementation surveys of local authorities, as well as parallel surveys of parent/carer organisations. SEND professional advisers have followed up any concerns identified in particular local authorities.

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Monday 11 September 2017

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